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THE NEW REPUBLIC

February 23, 1980 Price One Dollar

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TRB

from Washington
February 23, 1980

Our Farce

More governments fall from ridicule than from military defeat. They dressed up an FBI man as Kambir Abdul Rahman and congressmen beat a path to his door. It was operation Arab Scam, or ABSCAM for short, and the bogus sheik was giving out handfuls of cash for legislative favors (an entrance visa, or the right to invest oil money in a $100 million titanium mine). Congressmen flocked in and got their money, all in view of concealed cameras. It was farce spiked with rattlesnake venom. When the last Harris poll asked people if they had "a great deal of confidence" in Congress only 18 percent said "Yes." Presumably it will be less now.

I use this latest Washington caper only as an introduction to a dull discussion of the system we have here. America deserves better government than it gets. It gets surprisingly good government, I think, considering its handicaps. There is an almost universal sigh of unhappiness in discussions I have read recently. ("We have a crazy, complicated Presidential nominating and election system"—Scotty Reston, *New York Times*; the American citizen "seems to have experienced a very sharp, indeed one might say precipitous decline in his confidence as a political being"—Alex Inkeles, Stanford University. And so on. Voter participation dropped to 54 percent in 1976. Our institutional problems aren't going to be solved by an election or a change of leadership.

The public almost pathetically wants Congress and the president to cooperate, like children hoping their parents will get on. We want a president with capacity for "leadership," i.e. one able and willing to make Congress knuckle under and get things done. The country aches for a "strong president." But these intervals of happy partnership or dominance are rare. In a brilliant chapter ("The Crisis of Competence in Government") in a forthcoming collection from Brookings Institution, James L. Sundquist notes only three such interludes in recent times: the first two years of Wilson's New Freedom, the first term of FDR's New Deal, and the first two years of LBJ's Great Society (when Congress was still repentant about the martyred Kennedy).

Jimmy Carter's recent revival in the polls illustrates the patriotic afflatus at work: not long ago, in spite of the oil emergency, the Democratic House refused, 246 to 159, to give him even stand-by authority to ration gasoline, a refusal that Representative Dick Bolling called unconscionable cowardice. Now come Iran and Afghanistan and the mood suddenly changes. Carter surges ahead of Kennedy, for the time being anyway, and Congress becomes more malleable. But try to project this beyond next November. Presumably pocketbook issues will be strong again; if we elect a Democrat, differences between Congress and the president will revive. Or suppose a Republican wins. Can President Bush control the new Senate (two-thirds of whom won't have run for reelection)? Perhaps Bush or Reagan or whoever it is will carry a Republican majority into Congress with him—an unlikely event, for such a landslide would require ousting nine Democratic senators and 59 representatives. More likely a successful Republican will preside over a split government. People forget how often this happens. In all of the last 26 years Democrats have controlled Congress; there were 14 years when Republicans held the White house: six under Ike, eight under Nixon-Ford.

Even mild-mannered Jerry Ford in two years vetoed 66 Democratic bills (12 overridden). And under Nixon, of course, there was an example of a "strong" president. He made war to suit himself and kept it secret from Congress; he impounded nine billion dollars voted by Congress (in other words, unilaterally repealed congressional laws). He asserted executive privilege to withold information or witnesses from Congress. He reorganized the government or tried to; he manipulated the CIA and FBI; he further politicized the civil service. (The US is the only democracy without a top echelon of career administrators who can serve one party as faithfully as another; the Democrats are as bad as the Republicans in this respect. Government workers know that confidence in them has eroded, but in all the attacks on the "bureaucracy," there is no investigative reporter at work to show how the career service has been subverted.)

Nixon was forced out over an irrelevance, Watergate. Congress reacted aggressively and reasserted its authority in the war powers act, impoundment control, expansion of oversight, the legislative veto, bigger staffs, the excellent new budget machinery. There are two difficulties here, however, and we might keep them in mind as we move toward a new election and the hope that somehow we can get a smooth-functioning government in Washington.

The first is that Congress can't lead. It can't formulate an integrated program. It can delay an energy program or interfere in foreign affairs, often on an emotional, piecemeal basis. Congress can modify, amend, or thwart, but it is the president who must set the course.

The second point is that we have almost a new political system in America. Federal campaign financing; a weakened legislative hierarchy; weakened political parties; growth of PACs and one-issue lobbies; presidential nomination by primaries. Where will it end? It's often hard to say who's in charge here. Almost any new book on Washington notes the change. For example, *On the Hill* by Alvin Josephy Jr. (Simon & Schuster): "Cynicism and a declining public confidence in government" are reflected "by increasing public apathy." Or that fine reporter Haynes Johnson of the *Washington Post*: "The presidency stands weakened, the Congress remains fragmented, the press becomes more critical; the public grows more distrustful."

It's hard to see the election changing this much. For now we have the "sting"; FBI men masquerading as sheiks, offering bribes to congressmen and leaking it to the press. It's funny and loathsome.

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Correspondence

The wicked witch and the terrible tyrant

To the editors:

I could hardly believe my eyes. This is *TNR*? First you had the absurd taste to allude to Mrs. Gandhi as "the wicked witch" ("After Detente," *TNR*, January 19, 1980). Never mind that a woman fought her way back on the strength of pure voter appeal from a zero power base. Never mind that India—poor and disorganized, yet with a magical appeal to the spirits of millions of Americans who go there or are influenced by its thought—gave an election and more came than in US elections. Never mind that India and its entire leadership have love and respect for American ideas and ideals (from Jefferson and Thoreau to FDR), that they have never had anti-American flag and embassy burnings. Never mind that this "wicked witch" could walk amidst degrading poverty and unspeakable crowding in her country without a secret service phalanx—which our beloved born-again president cannot do in his.

But to add insult to injury you produced in a later issue a piece by Tad Szulc which for sheer effrontery in rewriting history beats anything I've seen ("Tilt Time Again," *TNR*, February 2, 1980). Does *TNR* support this blatant war-mongering even to the extent of rehabilitating leaders of the caliber of Zia? The tone of your pro-Carter editorials leads one to suspect the worst. Could you please have Szulc start on the "much-maligned Nixon," and the "pleasant Pol Pot" for next week?

Rustum Roy
Pennsylvania State University
University Park, Pennsylvania

Energy committee

To the editors:

As is the case of much other reporting of the activities of the House of Representatives, Stephen Chapman's article on the plan to establish a separate committee on energy (On the Hill: "Energy Camel," *TNR*, February 2, 1980) reflects great naiveté concerning the workings of the House. The Interstate and Foreign Commerce Committee in 1975 fashioned controls that prevented domestic oil prices from shooting immediately to the OPEC level. This will have saved Americans upward of $60 billion by the termination of the Energy Policy and Conservation Act. The House Commerce Committee was the only focal point of power pushing the act, and the committee had as adversaries Speaker Albert, President Ford, most of the powers in the senate, and the oil and gas lobby. Legislation in the Senate was in complete disarray, and the bill crafted in conference was structured around the House bill.

It was the Interstate and Foreign Commerce Committee that again primarily fashioned the vehicle for constructive energy legislation in 1977-78. The series of energy measures dealing with gas pricing and energy conservation were in major part crafted in that committee. The Natural Gas Act opened gas to the nation that had been used primarily in the producing states by creating an essentially uniform price for intra- and interstate gas and by directing it toward highest and best uses, like home heating and feedstock rather than boiler fuel use.

Though much controversy has raged around these bills, I know of no one who would deny their importance. But Chapman dismisses the whole subject with the statement: "Of course, the House has done some things about energy, none of them terribly helpful." Obviously, from his reference to bills in this term of Congress and from his failure even to mention the landmark legislation referred to above, he is looking only to the recent past.

Chapman says the House has not lifted controls on gasoline or domestic crude oil. Good. The president has lifted them so as to permit rises in gasoline prices during 1979 of 53 percent with an accompanying decrease in use of just a little over five percent. The rise in price of middle distillates during the same period was about 60 percent. He has permitted an overall rise in petroleum and petroleum product prices that is costing consumers between one and one and a half billion dollars a month, triggering a 13.3 percent annual rise in inflation. Is it bad that the House has not been on the side of lifting price controls on petroleum products?

The only analytical and critical examination of these inflationary policies that has come from any institutional source in Congress has stemmed from two subcommittees of House Commerce, Mr. Dingell's Subcommittee on Energy and Power and mine on Oversight and Investigations.

From my observation of Congress during the last 13 years, the oil industry has not been able to control the Committee on Interstate and Foreign Commerce. That is because there are many interests concerned about matters falling within the House Commerce Committee's broad jurisdiction. A committee dealing just with energy would ultimately come under the oil industry's control.

Bob Eckhardt, Chairman
Subcommittee on Oversight and Investigations
Committee on Interstate and Foreign Commerce
House of Representatives
Washington, DC

Protecting the oil cartel

To the editors:

A dismaying consequence (whether or not intended) of the new Carter doctrine is an assurance that we will continue to suffer OPEC's unconscionable extortion. On the one hand, Carter will use force to prevent Soviet intervention against Mideast oil states. But on the other hand, Carter gives no indication that he is ready or willing to take any steps against the oil cartel itself. The inescapable conclusion is that he has guaranteed the OPEC cartel a free hand to continue devastating our economy at their leisure.

Irving Kalin
Gainesville, Florida

Kauffmann's double standard

To the editors:

I have for some time been repressing my anger with Stanley Kauffmann's double standard for reviewing male and female performers, simply because of his perceptivity about film as form and genre.

But with his recent reviews of *Chapter Two* and *All That Jazz* (*TNR*, January 26, 1980), I break my silence. Kauffmann has consistently described and judged women performers by their looks (e.g., "[Marsha] Mason is approaching a certain age, and she needs tender loving cinematography," or ". . . Ann Reinking, whose jaw line was not designed for pictures . . .") while finding it unnecessary to evoke men in the same terms (James Caan, in the *Chapter Two* review, is measured by his success as a "comedian"). Even Kauffmann's paeans to Meryl Streep's "unconventional beauty" are just another mode of the same bias.

Kauffmann's opinions of women's conformance to his personal standards

(continued on page 40)

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THE NEW REPUBLIC

A Journal of Politics and the Arts, Vol. 182, No. 8, Issue 3398, February 23, 1980. Published weekly (except the issues of January 5, July 12, August 9, September 13) and distributed by The New Republic, Inc., 1220 19th Street NW, Washington, DC 20036. Phone (202) 331-7494. Single copy, $1.00; Yearly subscriptions, $24; foreign, $27; students, $17.

Copyright 1980 by The New Republic, Inc. (ISBN 0028-6593). Item g. Second class postage paid at Washington, DC, and additional mailing offices. Indexed in Readers' Guide.

Send all remittances and correspondence about subscriptions, undelivered copies and changes of address to Subscription Service Department, The New Republic, P.O. Box 705, Whitinsville, Mass. 01588. Unsolicited manuscripts are welcome, but cannot be considered or returned unless accompanied by a stamped, self-addressed envelope.

Contents

TRB from Washington	2	Our Farce
	3	Correspondence
Comment	5	Time for Controls?
John Osborne	8	White House Watch: Arming Up
Jerome Slater	11	Just a Reminder
Morton Kondracke	11	The Fundraising Tally
Walter Shapiro	13	The Age-Baiting Ploy
Jonathan Kaufman	16	Purging the Posters
Nathan Lewin	18	The Trouble with ABSCAM
Paul Fussell	20	The Smut-Hounds of Pretoria
		Books and the Arts
Stanley Kauffmann	24	Films: Glut and Gluttony
William Youngren	25	Classical Records
Robert Alter	26	*The Letters of Gustave Flaubert* edited and translated by Francis Steegmuller
Joyce Peseroff	28	Poem: "While Reading John Clare at the Summer House"
Graham Hughes	30	*The Brethren* by Bob Woodward and Scott Armstrong
J. H. Plumb	33	*The History of the Idea of Progress* by Robert Nisbet
Diane Ravitch	34	*Education and the Democratic Ideal* by Steven M. Cahn
Jack N. Rakove	36	*Truth in History* by Oscar Handlin *Uprooted Americans* edited by Richard L. Bushman, Neil Harris, David Rothman, Barbara Miller Solomon and Stephan Thernstrom
	39	Brief Review: *Elizabeth Cady Stanton* by Lois W. Banner
Michael Ullman		
Washington Diarist	43	Threading the Needle

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Cover: "The Feast of Pure Reason" (1937) by Jack Levine. The Museum of Modern Art, New York, on extended loan from the United States WPA Art Program. Article on page 18.

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THE NEW REPUBLIC

February 23, 1980

Time for Controls?

What will you do if Edward Kennedy is swept into the White House next November on a wave of popular support for his new platform of mandatory controls on "prices, wages, interest rates, profits, dividends, and rent"? The first thing the editors of this journal might do is to ask the publisher for a quick collective raise. And the first thing the publisher will do, we suspect, will be to increase the subscription price. This way, we will beat Kennedy's proposed six-month freeze; and when the controllers start permitting percentage increases, we will be starting from a higher base. Other employees and employers will have the same thought.

It's said that only a Nixon could open the door to China. The same may be true of wage and price controls. The only way to bring in controls without creating vicious anticipatory inflation is to denounce them repeatedly as immoral and ineffective, then pop them on the citizenry by surprise. Unfortunately, thanks to Nixon, the president no longer has the power to do this. Any new controls will be preceded by a lengthy public debate, during which time the inflation rate will surpass anything achieved so far by President Carter's policy of incantation.

This is just one of the terrible problems posed by wage and price controls (or "price and wage controls," as Kennedy calls them). Yet there are good reasons why controls look very appealing right now, and not just to a presidential candidate flailing for a distinctive issue. Barry Bosworth, formerly director of Carter's Council on Wage and Price Stability, also came out for controls two weeks ago. Both Kennedy and Bosworth want controls over the entire economy, but see them lasting only a few years. By contrast the leading economists who advocate controls, John Kenneth Galbraith, Robert Lekachman, and Robert Heilbroner, urge permanent controls, but only on the parts of the economy that aren't "controlled" already by market competition: large corporations and unions, the health sector, etc.

The distinctive nature of our present inflation has become clearer in the year since we last addressed this issue ("Liberals and Inflation," *TNR*, January 20, 1979). The inflation rate also has increased by half in that time. After 15 years or so, the main engine of today's inflation is yesterday's inflation, combined with the ability of many groups in society to beat it. Some, like social security recipients, have been indexed. Others, like large union members and doctors, have market power. Still others, like farmers, do it through political clout. Inflation is passed around like a hot potato, never coming to rest. If we Americans simply were charging one another more and more money for the same size pile of goods and services, the hot potato game would settle into a steady routine in which we all took turns catching up. But the huge tribute we pay to OPEC and the decline in our productivity (itself partly caused by inflation) mean there is a smaller pile left to be shared. There is no way we can all catch up, but the hot potato gets passed around faster and faster as we all attempt to do so. Meanwhile, the normal restraints the economy imposes on the hot potato game are eroded by inflationary expectations. Higher prices and lower real incomes, which ought to cool demand and create a little downard competitive pressure on prices, don't have that effect. People dip into their savings and go into debt to keep buying before their dollars are worth even

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less. So the traditional engine of inflation, excess demand, continues to be stoked up, along with the newer forces of propulsion.

Kennedy and Bosworth argue, in effect, that wage and price controls are uniquely suited to the present type of inflation. They would work in two ways. First, they would amount to a truce in the futile hot potato game. Kennedy says his plan amounts to "a nationwide agreement among workers and managers to share fairly the burden of rising raw material costs." Second, by bursting inflationary expectations, controls could cool off overheated demand, especially in sectors like housing, where the conviction that inflation is permanent has become a self-fulfilling prophecy. These effects would give the country a little chance to catch its breath, improve its productivity, reduce its energy dependence, powder its nose, and generally straighten itself out. Then we could put the whole experience of unpleasant disease and unpleasant cure behind us.

It's simply wrong to say, as many do (including President Carter), that wage and price controls don't work, if by "working" they mean holding down inflation while the controls are in effect. Most people are law-abiding, most corporations can be forced to be so, and therefore a law that says flatly "Thou shalt not raise prices" will generally be obeyed. The question is whether the costs imposed by such a policy exceed the benefits to be derived from it.

There are three important problems with wage and price controls. First, without controls wages and prices change all the time for reasons that have nothing to do with inflation, and that are important to the health of the economy. The economy takes its cues from price fluctuations to allocate resources and maximize its output of the things people want. If producers and wage earners can't respond to changes in their costs (and no freeze can eliminate, for example, further increases in the cost of foreign oil) or in the demand for their goods and services, the inevitable result is shortages and inefficiency. The longer a freeze continues, the worse the problem becomes.

This is why wage and price control programs (including Senator Kennedy's) always proceed to a second stage, where increases are permitted under certain circumstances and/or up to a certain limit. Boards are created to write regulations and adjudicate individual cases. Thus the second problem: bureaucracy. It would be impossible to examine every price change in our two-trillion-dollar economy and determine what part of it is a "legitimate" response to cost or demand changes and what part of it is "inflationary." The more you try to achieve this ideal, the bigger the bureaucratic nightmare; the more you try to simplify the rules, the greater the inefficiency and shortages. Furthermore, in the large part of our economy that still is competitive, *all* price changes are responses to changes in costs and demands, so that *any* rules to limit them will create inefficiencies.

The third problem with wage and price controls is that they are inevitably unfair. This unfairness takes several forms. Wages and prices don't increase in lockstep; rather, they advance together like a slinky toy, with various parts moving ahead then slipping behind. Controls stop this action at an arbitrary point, which is unfair to the fellow who was about to get a raise, compared to the fellow who just got one. The fellow who was about to get a raise is stuck with the hot potato. He will not see a freeze as a fair sharing of the burden. Moreover, it is easier to control the wages of lower-income workers than other wages and prices. As with the income tax, higher-income people will have many more opportunities for legal evasions of controls: job title changes, fringe benefits malarkey, etc. So controls are unfair to low-income workers compared to higher wage earners, entrepreneurs, and those who live off capital. Finally, also like the income tax, controls will have to be largely self-enforcing, and thus will be unfair to those who are honest, compared to those who are willing to cheat.

Of course life is unfair, and in particular inflation has been arbitrary and unfair. There is certainly nothing natural or "fair" about the spread of wages and prices that exists without controls. But the unfairness of life under wage and price controls would be of a particularly enervating and corrupting kind. A regime of controls suggests that there *is* such a thing as a fair income for everybody and a fair price for everything, and puts the government in the role of deciding what those numbers are. If the government wanted to get seriously into the business of income redistribution, this would be no bad thing. But clearly that is nobody's purpose in proposing wage and price controls. Controls, by making formerly economic decisions explicitly political, are sure to encourage exactly the kind of interest group "feudalism" that has contributed so much to our present predicament.

None of these arguments—inefficiency, bureaucracy, unfairness—proves the case against controls. It might well be worth suffering stiff doses of all three in order to cure inflation. All three were tolerated during two experiences of wartime controls, when a sense of national purpose and faith that they were temporary made controls quite successful. Even today the costs and benefits of controls compare favorably to those of President Carter's inflation cure: voluntary wage and price guidelines.

The *only* advantage voluntary guidelines have over controls is that guidelines do not work. This is also a disadvantage, though you would not know it to hear Jimmy Carter. If everyone voluntarily obeyed a low limit on wage and price increases, there would be precisely the same inefficiencies and shortages as if the same standard were imposed by law. Carter's standard is not low (over 10 percent now for wages), and even so it is often flouted, so there have been no visible shortages; but there also has been no apparent slowing of inflation. Likewise with the problem of bureaucracy:

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the same complex decisions about the passing through of costs, changes in demand, special hardship, etc., must be made, and the same trade-off between efficiency and simplicity must be faced, unless you wish to assume that your guidelines will be ignored. President Carter inherited the Council of Economic Advisors and the Council on Wage and Price Stability. He has added a special "inflation czar," a "Pay Advisory Committee," and a "Price Advisory Committee." All are busy formulating regulations, exceptions, exclusions, special conditions, and so on. Voluntary guidelines do avoid the problem of enforcement, but this saves very little red tape because, in Carter's version at least, firms must still report their wage and price increases, and bureaucrats must still decide whether they are in compliance. You can't have it both ways. To the extent guidelines work, they create the same problems as controls; to the extent they avoid those problems, they don't work.

Guidelines are controls with legalized cheating. The chief advocate of guidelines outside the Carter administration is the *New York Times* editorial page. The *Times* regularly argues that guidelines make inflation lower than it otherwise would be because at least some people are influenced by them. But if asking people to restrain their avarice is a sensible national policy (and Adam Smith had his doubts), it surely will be more successful if everyone knows that everyone else is under the same restraint. Voluntary wage and price restraint makes about as much sense as voluntary taxation.

It is ridiculous for President Carter to defiantly reject wage and price controls, then to offer guidelines instead. Indeed the worst thing about wage-price guidelines is that they make the government look ridiculous. Nothing illustrates this better than the 16-month history of Carter's guidelines, as recited in his *1980 Economic Report of the President.*

Carter unveiled his "comprehensive anti-inflation program" in October 1978. The chief components were a wage guideline of seven percent annually, and a price guideline of one-half percent less than the average annual price increase during 1976-77. The more you had raised your prices in the recent past, the more you could raise them now without fear of dirty looks from the White House—a fine reward for those who had listened to Carter's earlier pleas for restraint. If you couldn't meet this test, you also could be certified kosher if you didn't increase your profits. This rule, if mandatory, would have been an especially clever discouragement of efficiency, productivity, and general capitalist verve. No doubt there were a few corporate officers who patriotically spent more on executive perks rather than increasing their profit. But it was not enough. Carter's *Economic Report* concedes:

> The circumstances in which the program operated made it impossible to prevent overall inflation from increasing. Energy prices rose very sharply, and prices of both farm products and internationally traded raw materials increased substantially in late 1978 and early 1979. The jump in U.S. prices of internationally traded commodities stemmed partly from the earlier depreciation of the dollar. These price increases led many firms to shift from the primary price-deceleration standard to the profit-margin limit, so that price increases in primary commodities were passed through to prices of final products. Declining productivity also added substantially to business costs.

In other words, the guidelines didn't work because there was inflation.

The Carter inflation corps ultimately adopted a mountain-to-Mohammed strategy: instead of trying to bring down inflation to meet guidelines, they fiddled with the guidelines to bring them in line with inflation. Rules for fringe benefits and cost-of-living allowances were manipulated so that wage settlements by major unions of far more than seven percent could be claimed to be within the guidelines. Earlier this month the White House accepted a recommendation from the Pay Advisory Committee that the wage standard be raised to a "range" of seven and a half to nine and a half percent. The Pay Advisory Committee also recommended an extra one percent for workers without a cost-of-living clause and "on a case-by-case basis the increases may be more than 1 percent. . . ."; "loosening the exception for tandem pay relationships allowed in the first year" (whatever that means); an exemption for "any promotion or pay raise in established pay plans that results from completing a qualification requirement or from movement within a preexisting pay structure"; etc. There has been similar nonsense with the alleged price standards.

As a result of his "comprehensive program," President Carter writes, in 1979, "Wage increases were no larger than in 1978, even though the cost of living rose faster." So the cost of living rose faster than people's wages last year. This is a triumph of presidential leadership? In fact, it is mathematically almost unavoidable that the average price increase will exceed the average wage increase in a year when prices reflect another huge OPEC oil gouge and wages do not. The *average* wage earner *cannot* catch up; inflation is caused by the attempt of most to beat the average, and there's no evidence that this has abated. Carter's guidelines are an utter failure.

It should be mentioned at this point that the favorite inflation nostrum of the Republican presidential candidates is just as foolish as President Carter's. They recommend a balanced federal budget. This presumably means deep cuts in social welfare programs, since they also recommend large increases in military spending. But whatever may have been the case a decade ago, the government deficit is not causing inflation today for the simple reason that there is no government deficit today. As Lester Thurow pointed out in these pages two weeks ago ("Secrets of the Budget," *TNR*, February 9), federal, state, and local governments combined ran a *surplus* of $11 billion in

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1979. The federal government itself could have run a surplus by simply reducing the $79 billion it gave to state and local units—something we don't hear any Republican candidate suggesting.

We conclude that Kennedy is the only leading presidential candidate who offers a serious inflation program. But how serious is he? One test would be his willingness to admit that controls can only work, under our present circumstances, if permissible wage increases are *lower* than permissible price increases. Kennedy offers no numbers. Bosworth proposes five percent for wages and six percent for prices.

A more important test of seriousness is what Kennedy would do *besides* imposing wage and price controls. Kennedy himself says in his economic policy paper that "controls will not be sufficient to solve our underlying economic problems. These problems by themselves—and the inflation that is their symptom—will yield only to a serious, sustained effort over the long-term to increase investment and productivity, restore competition, recapture world markets, and reduce our dependence on foreign oil." These are the right words, and whoever wrote them has followed up with an impressive survey of the field that touches most of the right bases: encouraging capital investment, deregulation and antitrust, tax reform, and so on. But all the candidates are saying this sort of thing now, including President Carter. It's motherhood, apple pie, and productivity.

Would a President Edward Kennedy really use controls to get enough breathing room to eliminate the underlying causes of inflation? Or would he use controls to disguise his failure to do so? This is what President Nixon did in 1971-73, which is why inflation took off again as soon as his controls were lifted. Our real savior from inflation will be the president who dismantles the fortresses that different interest groups have built to protect themselves from economic reality. Did anyone happen to mention during the Iowa campaign that farm price supports are inflationary? If so, we missed it. We're listening in New Hampshire for Kennedy's attack on Carter's scheme to restrict the import of inexpensive foreign-made shoes. The Pennsylvania primary would be a fine occasion for some candidate to point out that the steel trigger price system makes cars more expensive. How about campaigning in Virginia and Maryland on a plank of bringing federal salaries and pensions back into line? Florida is just the place for an explanation of how it will be impossible to maintain social security benefits at their present levels for very long. Then to Wall Street for a discussion of business meal deductions, and to California to talk about the federal water subsidy. Have we hit your gratuity yet, the bribe that keeps you in the system? Are you prepared to vote for a candidate who promises to eliminate it? We would support such a candidate's call for wage and price controls as a way to cool inflationary expectations. But such a president wouldn't need controls.

White House Watch

Arming Up

War talk, particularly when it's talk of war between the US and the Soviet Union, is basically nuclear war talk. "We have recognized for many years," Secretary of Defense Harold Brown said in his recent annual posture statement, "that our strategic nuclear capabilities could deter only a small number of contingencies. But there can be no doubt that these capabilities still provide the foundation on which our security rests. Without them, the Soviet Union could threaten the extinction of the United States and its allies. With them, our other forces become meaningful instruments of military and political power." Brown also warned the Soviets, as US secretaries of defense and presidents have been doing for years, not to "make the mistaken judgment that they could threaten our allies without fear of retaliatory attack on their territory, especially if they did not threaten to attack US forces or territory." The Soviets, he said, must "avoid any such error of perception."

"We"—the human race—have known this for 35 years. The knowledge has been absorbed and defused, mostly by a wishful and gradually embedded conviction that no government and no head of government including the US government would be mad enough to initiate nuclear war. Now the world is told once more that the US is capable of responding to nuclear attack on a protected area, regardless of whether it includes the US, with nuclear counterattack. The same message and reality are implicit in President Carter's recent warning to the Soviet Union that any "assault on the vital interests of the United States" in the Persian Gulf oil region "will be repelled by any means necessary, including military force."

Habit and instinctive preferences are to do most war-talking in non-nuclear terms. In his posture analysis, Secretary Brown indulged in the dubious proposition that there might be worthwhile, livable survival of an all-out, strategic nuclear exchange between the US and the Soviet Union if the shelved Strategic Arms Limitation Treaty is somehow revived and ratified, and/or the US looks properly after its retaliatory nuclear arsenal, including the monstrous mobile MX missile system (which is supposed to offset Soviet threats to our present landbased ICBMs). Mostly, though, the discussion of Carter's Persian Gulf commitment, his fiscal 1981 defense budget, and how far it and the current 1980 budget go toward enabling the US to meet its many commitments, has been in terms of conventional capabilities.

Brown talked himself into a negative assessment of those capabilities that he didn't intend and that required some fast corrective counter-gab at the Pentagon. Eight times in a printed summary of his massive posture statement, separately in a budget

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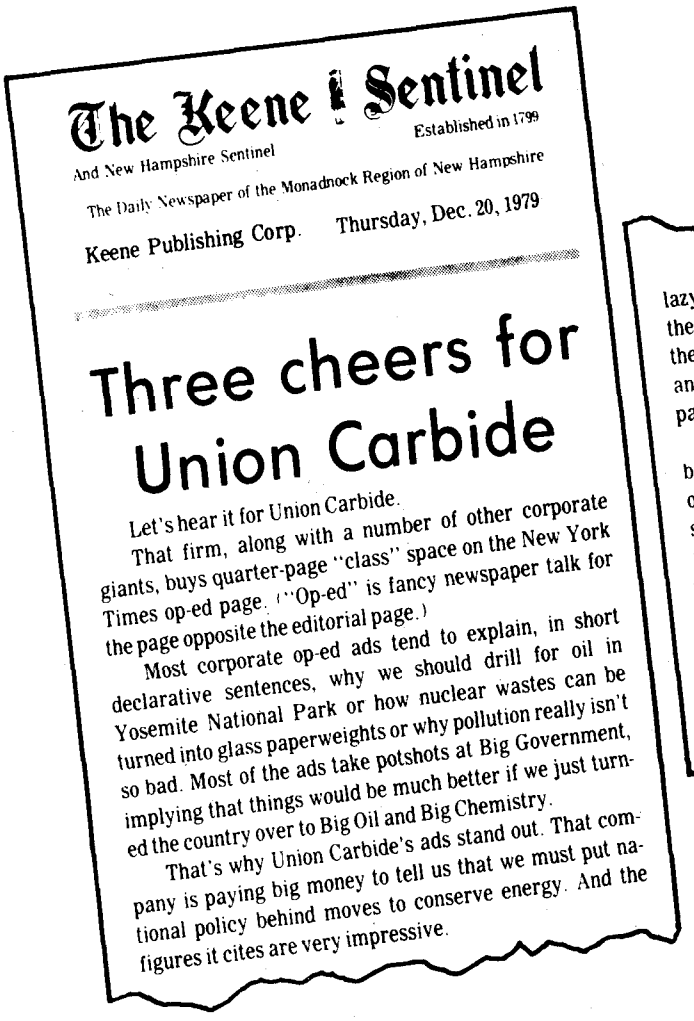

The Keene Sentinel

Established in 1799

And New Hampshire Sentinel

The Daily Newspaper of the Monadnock Region of New Hampshire

Keene Publishing Corp. Thursday, Dec. 20, 1979

Three cheers for Union Carbide

Let's hear it for Union Carbide.

That firm, along with a number of other corporate giants, buys quarter-page "class" space on the New York Times op-ed page. ("Op-ed" is fancy newspaper talk for the page opposite the editorial page.)

Most corporate op-ed ads tend to explain, in short declarative sentences, why we should drill for oil in Yosemite National Park or how nuclear wastes can be turned into glass paperweights or why pollution really isn't so bad. Most of the ads take potshots at Big Government, implying that things would be much better if we just turned the country over to Big Oil and Big Chemistry.

That's why Union Carbide's ads stand out. That company is paying big money to tell us that we must put national policy behind moves to conserve energy. And the figures it cites are very impressive.

In other words, many industries are doing just what lazy or financially strapped homeowners are doing: they're refusing to invest today in measures that would cut their energy costs in years to come. They need a shove — and that doesn't mean a presidential sermon about patriotic duty; that means cash.

So Union Carbide's position makes sense, as do the two bills now pending before the Senate. Conservation — using our energy more efficiently — is the most promising strategy for this country while we sort out energy options for the future.

We need more of it — in industry, on the road, in the home. And we need to realize, as a nation, that conservation is not just a poor man's answer to high prices; it is potentially one of our greatest energy sources for the immediate future.

So, three cheers for Union Carbide. No charge.

Three cheers for the *Keene Sentinel*

In their lead editorial (above) of December 20th, *The Keene Sentinel* in Keene, N.H., had generous things to say about a series of op-ed ads in which Union Carbide has been presenting the case for new incentives to encourage energy conservation.

These ads have pointed out that improvements in energy efficiency since 1973 are making a big difference — in 1978 alone the U.S. saved the equivalent of five months worth of oil imports. We've said that conservation is the fastest and cheapest source of "new" energy, citing experts who believe the nation could run on half as much energy as we presently use without sacrifice to our lifestyles. And we've called for new financial incentives from Congress to encourage homeowners *and* industry to make the investments necessary to use energy more efficiently.

We don't expect every aspect of Union Carbide's views on the nation's energy policy to produce the kind of response this one got in Keene. But if most of us can at least agree that conservation warrants some public investment, we'll be making real progress toward reducing the nation's dependence on foreign oil.

The editors in Keene have made it clear that they don't often cheer corporate ads. All the more reason for us to say, "Three cheers for *The Keene Sentinel*."

For a set of Union Carbide's ads on energy policy write "Energy", Union Carbide Corporation, Box TNR33, 270 Park Avenue, New York, N.Y. 10017.

UNION CARBIDE

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briefing, and during initial testimony to congressional committees, the secretary went to phenomenal lengths to tell the Soviet Union and all other listeners that the US is preparing itself to wage terrific conventional warfare anywhere it has to in and after the mid-1980s—but not right now, please.

The central theme was that even in the aftermath of the Soviet invasion of Afghanistan, he judged the fundamental US military "structure"—manpower, naval ships, combat equipment, aircraft, etc.—to be adequate. True, more ships and more aircraft, including some extremely expensive items, would be needed and were being budgeted or planned. But by and large the US was in good shape militarily, with one exception: what it would take to make the term "rapid deployment" and the concept of actual Rapid Deployment Forces meaningful. Speaking of Europe, the Caribbean, and now the Persian Gulf and the adjacent Indian Ocean and Arabian Sea, the secretary said again and again in slightly differing language: "We need to increase the speed with which we can deploy our forces—through increased airlift and sealift capabilities, through the further prepositioning of material, and through the assurance of transit and basing rights in emergencies." The redeployment forces already in being (and there are some complete with headquarters and an overall commander) would not be effective "unless we can move them in force and with great rapidity to an area of crisis," said Brown.

By prodigious effort, by robbing Mediterranean and Far Eastern fleets, and after much hesitation on the President's part, two carrier task forces have been placed in the Indian Ocean area. For brief periods when a third carrier and its escorts are relieving one of the earlier task forces, an impressive array of three carrier forces is on the scene, available for photo opportunities. Brown's emphasis on what's needed for rapid deployment obscured the carrier presence and led to speculation whether the US could in fact defend anything in that part of the world by conventional means. The Defense Department responded with an extraordinary, hastily arranged briefing for reporters by a senior official (not Brown) who could be quoted but not named. The official said an airborne infantry battalion could be flown into the Persian Gulf area from Italy within 24 hours. Thirteen hundred Marines could be there within 48 hours, another 2200 Marines within nine days, a brigade of 12,000 Marines within 16 days, and a mechanized Army brigade of 8000 in about the same period. DOD's under secretary for policy, the ebullient Robert Komer, made exactly the same pitch to a congressional committee the next day. Two related problems were not addressed at the briefing. One was where to base these troops in the area. The other was how to replace them quickly if they and their equipment got chewed up in serious combat. Some progress toward arranging in-and-out basing and storage facilities in Oman on the Persian Gulf and in Somalia and Kenya, along the westward ocean route from the Gulf area, was reported later. It's clear from Brown's and other current military evaluations that the US would be desperately strained by early combat losses and any need to repeat and expand the rapid deployment described at the Pentagon.

A few examples from the 1981 defense budget and the procurement programs funded in it illustrate the cost and difficulty of attaining the deployment capability that Secretary Brown considers minimal and essential. Modification and lengthening ("stretching") of the wheelhorse C-141 transport aircraft, a comparatively simple operation intended to enhance "the US capability to quickly deliver large scale reinforcements to Europe," cost $140 million in fiscal 1979-80, is budgeted for $25.6 million in 1981, and will have improved 243 planes by then—a rare bargain. A more informative item is the budgeting for renewing the key wing sections of the Air Force's 76 Lockheed C-5 transports, the principal aircraft now available for transporting "strategic mobility forces." The C-5 wings are so weak that, even with the long runways they need in combat areas, they can't handle the heavy tanks, artillery, and other equipment coming into service. The Air Force budgeted $36.6 million to research new wing designs in fiscal 1979, is spending $98.1 million on new wings for four C-5s this fiscal year, and has budgeted $178.6 million for 12 more in fiscal 1981. The CX transport, "a major initiative to improve our rapid deployment capability," does not exist. The Air Force has budgeted $80.7 million for early research funding in 1981, will select the manufacturer in late 1980, and may or may not have two or three CXs in the air by the late 1980s. Soviet anti-ship missilery and over-water use of the Backfire, a medium-range bomber that for a while had some of our people in a tizzy over its possible intercontinental capacity, are considered alarming additions to the Soviets' ability to interdict the sea lanes. The principal new US counter is the AEGIS CG-47, a heavy cruiser designed to destroy incoming missiles from the air, from the surface, and from submarines. A total of $2.5 billion for three of them is in the 1980-81 budgets; delivery of the first AEGIS in fiscal 1981 is possible but "undetermined."

Secretary Brown and the department have great hopes of the T-AKX, the prototype label for "a force of Maritime Prepositioning Ships which will carry in dehumidified storage the heavy equipment and supplies for three Marine brigades." The ships are to be stationed "outside of Europe"—in or near the Persian Gulf just now if they existed—"in waters near areas where US forces might be needed." Research money totaling $4.4 million was budgeted in 1979-80; $213.8 million for two of the ships is budgeted for fiscal 1981. They are still being designed. Delivery is not even guessed at. Leasing or buying some commercial freighters which might serve in the meantime is possible, but there are difficulties. Most commercial freighters at sea today won't take the heavy tanks and

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other equipment of today's military forces. The "dehumidified storage" mentioned by Brown is an essential for tropical use, especially for the computers and other sophisticated adjuncts that guide today's tanks and aim today's guns. This storage capability is all but nonexistent on commercial freighters. Some ships might be taken from the National Fleet Reserve, a hodgepodge of mothballed freighters, many dating from World War II. Some of them have dehumidifiers aboard, ticking away to preserve the interiors, and some of these might be adapted to other ships. A considered alternative is leasing, buying, or leasing with option to buy eight freighters from Sea-Land Service. They are container ships, very fast (33 knots), capable of rapid turnaround in ports. They are also fuel hogs. They burn fuel oil—boiler fuel—which is more expensive than diesel oil. Sea-Land has obtained Maritime Commission permission to replace them with more efficient diesel-powered ships.

One billion of $4.3 billion in a requested supplemental addition to the current defense budget is for unexpected military operating and maintenance costs—mostly rapid deployment costs. More will be needed, to be added to either the 1980 or the 1981 budget. One of the biggest items that must be additionally funded is the rising cost of naval and aircraft fuel. It rises, of course, with rising OPEC prices. The carrier task forces cruising in the Indian Ocean and near the Persian Gulf oil fields are sucking up a lot of fuel and ballooning the unanticipated costs.

John Osborne

Making War?

Just a Reminder

Several weeks ago I argued in this space that in the absence of prior congressional authorization the Carter administration lacked the constitutional power to use force against Iran, regardless of the outcome of the hostage crisis. Since then the probability of military action against Iran has substantially diminished. However, the very event that reduced the prospects of military action against Iran, the Soviet invasion of Afghanistan, has substantially increased the prospects of force being used elsewhere in the Middle East or Asia—in defense of the Persian Gulf oil fields, in defense of Pakistan, perhaps even in defense of Iran. In his State of the Union address, President Carter formally proclaimed that "An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America" and that "such an assault will be repelled by any means necessary, including military force." Not long afterward, presidential emissary Clark Clifford stated that any further extension of Soviet power in the area would "mean war," and soon thereafter it was reported that the Carter administration had assured Pakistan that US forces would come to its defense "in case of a large-scale Soviet or Soviet-inspired attack."

Once again, the Carter administration, acting alone, simply cannot legally make such commitments stick. The governing law, despite abject congressional silence on the whole matter, is still the War Powers Resolution of 1973, whose key section authorizes the president unilaterally to commit US military forces *only* in "a national emergency created by an attack upon the United States, its territories or possessions, or its armed forces." An attack on Pakistan or even on the Persian Gulf oil fields, as serious as that would be, is unambiguously *not* the kind of national emergency that would allow unilateral presidential military action. If the president cannot legally or constitutionally order such military action on his own authority, presumably he also lacks the authority to commit the American government to take such action in the future. Any other interpretation would at the very least make a mockery of the spirit of the War Powers Resolution (not to mention the Constitution, which that Resolution was designed to interpret and implement) and quite probably it would violate the letter of the law as well.

Jerome Slater

Jerome Slater is professor of political science at the State University of New York at Buffalo.

Coming:

Stephen Chapman on

Islamic Justice.

Next to Carter, Kennedy is hurting.

The Fundraising Tally

After Iowa and Maine, the Democratic caucus score is Carter 2, Kennedy 0. With 34 primary elections ahead and some 3270 delegates still available to be won, the prospects of the two principal Democratic candidates are bound up in yet another tally—the money score. At

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the moment, Carter is way ahead, with $7.5 million raised to Kennedy's $3.9 million. The money score reflects both the past political fortunes of the two contenders, and also the assets available for investment in the contests yet to come. The money score and the polls suggest that President Carter will be the 1980 Democratic nominee.

The Kennedy campaign has had an unhappy financial history that closely parallels its political history—one of extravagant expectations but disappointing performance. When the campaign was launched last October, Kennedy's budget committee anticipated revenues of three million dollars by December 31 and six million dollars by mid-February. His campaign strategists launched an expensive nationwide election drive. They opened 25 field offices around the country by mid-December and hired on a staff of 300 people (vs. 192 in the Carter campaign), including 12 top officials who were paid at an annual rate of $42,000 and $50,000 (as against two people in the Carter campaign earning more than $39,000). In what came to be a prime symbol of Kennedy extravagance, the campaign chartered a United 727 jet and had it refitted for first-class traveling at a cost of more than $60,000. The campaign charged reporters 250 percent of first-class air fare to accompany the candidate (with payment asked for in advance); Kennedy often took a staff of 16 to 20 aides along on his trips at about double tourist rates. When Kennedy hit the ground, there was always a limousine waiting for him, and leaving his plane parked at the airport cost $5000 per day. Campaign officials say that of its total income of $2.5 million for 1979, a solid one million dollars went out to support the Kennedy road show. When salaries, fundraising expenses, field operations, telephone charges, and advertising were added, the campaign managed to make ends meet in 1979 only by taking out $890,000 in loans, of which $400,000 remains outstanding.

In retrospect, according to Kennedy's finance director, Martin Katz, there was a logic to the overspending, at least at the beginning. The political strategists, he said, "thought that, running against an incumbent president, we had to have a national campaign. We couldn't just pick and choose our places to hit." The Kennedy salary structure, he said, was dictated by loyalty to the large number of former Senate aides who came trooping back to the campaign from the lucrative jobs they had taken in private business.

The problem with the Kennedy campaign has not just been excessive outflow, but insufficient income. "In the near-term," Katz explained, "forecasting revenues is risky. There's an almost direct correlation with your candidate's political success. When you forecast revenues more than a month or two, you are operating on pure guesses. Yet your expenses remain hard." Kennedy has some right to anticipate that his campaign revenues would be ample. His campaign quickly attracted a chief fundraiser regarded even in the Carter campaign as one of the best in the business—Morris Dees, the southern poverty lawyer and part-time direct-mail wizard who ran Carter's fundraising operation in 1976, but switched to Kennedy out of disappointment with Carter's presidential performance.

The Kennedy fundraising effort started out well enough. Its first endeavor was to qualify for federal matching grants by raising $20,000 in each of 20 states from individual contributions of $250 or less. It did this in just 10 days, and Kennedy added to the coffers in a coast-to-coast blitz of cocktail parties and dinners immediately after his announcement. But the hard business of fundraising is done by building a national network of state finance chairmen, people who may be able to contribute the $1000 federal limit themselves but, most importantly, can get dozens of friends also to contribute $1000. The Kennedy campaign has been somewhat less successful in tapping them than the Carter campaign. Some of the names on Kennedy's contributor lists on file at the Federal Election Commission are very glittery indeed. His $1000 donors include Julie Andrews, Henry Fonda, Oscar De Larenta, Joseph Heller, George Plimpton, Jamie Wyeth, Leonard Bernstein, plus the whole traditional Kennedy band, of course—Douglas Dillon, Roswell Gilpatric, Nicholas Katzenbach, Burke Marshall, Arthur Schlesinger Jr., Theodore Sorensen, and a dozen or so actual members of the Kennedy family. All told, the $1000 list adds up to 1148 persons, some $400,000 short of Carter's 1568 big-time donors, who generally tend (judging by federally required occupation information) to be industrialists, bankers, Nevada casino owners, southern small businessmen, and appointees to federal office, rather than celebrities. The list does include Mrs. Lyndon B. Johnson, Dean Rusk, Democratic National Chairman John White and Admiral Hyman Rickover, who thus far has withheld public comment on the performance of his onetime Navy pupil, Jimmy Carter.

Kennedy and Carter have basically the same fundraising structure and method of operation, as the new election laws require. Besides a network of fat cats or friends of fat cats, each has a staff of 15 to 20 fundraising coordinators and advance men at headquarters who assist local operatives and fan out around the country to help stage fundraising events and attend to such fine details as saving money on menus. Carter has the advantage of being able to send out Rosalynn Carter or Vice President Mondale as bait for money, but Carter finance officials claim it is a limited advantage. A fundraising event is profitable, according to Trisha Davis, Carter's deputy fundraising director, when the cost of mounting it can be kept under 15 percent of the gross. For the vice president or Mrs. Carter, with their planes and secret service men, it is hard to stay under that limit. Carter's secret fundraising weapon appears to be campaign manager Robert Strauss, who can tour by commercial jet, attract

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big crowds, deliver a mesmerizing Carter message, cajole millions of dollars in contributions, and return costing less than 10 percent of his gross receipts. Strauss events, says Davis, invariably bring in 30 percent more in contributions than projected. One Midwest swing by Strauss in January netted $500,000 in contributions, and another to California in February with Mrs. Carter, $700,000.

Kennedy finance officials, like his political operatives, think that they are sorely disadvantaged by Carter's incumbency. Though these are not the Nixon days, when a donor might expect swift retribution or reward from the IRS, Katz claims money people are still reluctant to jeopardize pending federal contracts, cases before regulatory agencies, and special legislation before Congress by contributing to a non-incumbent threat like Kennedy.

There have also been problems for Kennedy with direct mail, though it's hard to tell whether the problems lay primarily in the actual receipts or in the budget-makers' original revenue expectations. Kennedy's initial mailing of one million pieces brought in 15,000 donations—a response rate that Morris Dees says is about average for a non-extremist candidate or cause. The typical contribution was $32, higher than average, and the net profit from the mailing was $200,000. Dees says he is not disappointed with the results, but apparently the Kennedy budgeters expected as much as double the proceeds. At the Carter campaign Trisha Davis claims to have netted more than $300,000 on a 500,000-letter direct mail campaign.

The combination of excess spending and deficient revenues caused a crisis in the Kennedy campaign which budget-makers anticipated in December, but which actually crashed down on the campaign at the same time as its dramatic political reverse in Iowa on January 21. Kennedy was forced to give up his plane. His staff went without pay for three weeks, and about half the issues staff was let go entirely. No field offices were closed or telephones pulled out, but the entire Kennedy campaign strategy was radically altered. Instead of a full-blast nationwide effort, Kennedy has funneled both his financial and political resources into New England, though some organizing continues in down-the-line states in the South and Midwest.

There has been some brightening in Kennedy's financial prospects recently. The campaign was able to raise between $750,000 and one million dollars during the month of January, then fell into doldrums during the week between Iowa and Kennedy's speech at Georgetown University, when only $100,000 came in. During the two weeks after Georgetown—that is, after Kennedy's personal and political revival, the take was $400,000. Kennedy campaign aides say they anticipate good press notices on Kennedy's narrow loss to Carter in Maine to boost contributions yet again, enough, with federal matching payments, to finance a full-scale effort in New Hampshire and Massachusetts. They are obviously praying for political miracles in New Hampshire to produce financial miracles for the long campaign ahead. Meanwhile, however, the Carter campaign is already $3.6 million ahead of Kennedy, can expect an even bigger federal grant than Kennedy's, outraised Kennedy by some $250,000 in January, and is expecting to bring in two million dollars in February. There will be plenty of Carter money in New Hampshire, of course. And unless something changes things drastically, there will be plenty of Carter money for the 33 primaries to follow.

Morton Kondracke

Reagan may be foolish, but he's not senile.

The Age-Baiting Ploy

An aged man is but a paltry thing,
A tattered coat upon a stick . . . —William Butler Yeats

Tolerance, ain't it grand. We all carry around a mental list of all the groups that we must make a conscious effort not to offend—blacks, Hispanics, women, homosexuals, Polish-Americans, the handicapped, and so forth. Our supply of ethnic humor has become so depleted that we are reduced to telling each other light bulb jokes about WASPs and residents of California.

Older Americans have joined the pantheon of the protected, with their own civil rights groups, their own anti-discrimination laws, and so on. All good liberals favor this development. So why is it that many people—and especially liberals—are willing to abandon tolerance and indulge in stereotype-based jokes and innuendos in the case of an older American named Ronald Reagan? Reagan, in case you've given up reading newspapers and watching television, turned 69 on February 6. If elected, he would become our oldest president several months after his inauguration. In his floundering campaign, Reagan has been as haunted by the age issue as Kennedy has been by Chappaquiddick. Even more than Chappaquiddick, the age issue has been posed in a shadowy sort of way that makes it hard to fight.

The relative youth of our presidents is an idiosyncracy of American history. Konrad Adenauer was 73 when he became chancellor of Germany, Winston Churchill was 77 when he returned as prime minister of England in 1951, and Charles de Gaulle took on the decade-long task of reuniting a France racked by civil war when he was 68. But these sorts of comparisons don't wash in American politics. We need a dynamic young president, the implied reasoning goes, for jobs like staring down the Russians in Yugoslavia when 87-year-old Marshall Tito can no longer hold that country together through charisma and force of personality.

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drawing by Vint Lawrence

In recent weeks, other politicians and the press have all been hammering home the same message without saying it directly: Reagan is old, Reagan has lost something, Reagan has trouble hearing, Reagan says Pakistan when he means Afghanistan, Reagan stumbles over words in his speeches, Reagan can only serve one term, Reagan doesn't jog, Reagan won't live out his term of office. Here are some examples of the current age-baiting:

Vice President Mondale has been telling campaign audiences a joke about running into an old geezer who complains about taxes and inflation and finally sputters that none of this would be happening "if Ronald Reagan were still alive."

George Bush has done everything but compete in the Winter Olympics to prove that he is fit and thereby imply that Reagan isn't. The 55-year-old Bush jogs three miles every day, participates in aerobic exercise classes at the Concord, New Hampshire, YMCA and tells campaign audiences, in case they haven't gotten the message, that he feels fit enough "to serve two full terms."

Dan Rather, interviewing Reagan on "60 Minutes," described at length a "tottering, teetering" Leonid Brezhnev who is "not quite in control of himself," before asking Reagan whether the voters are concerned about his age.

Haynes Johnson of the *Washington Post* filed this dispatch from the Reagan plane: "There's a certain hesitancy, a stumble here and there, that one doesn't remember from other Reagan campaigns. He blows his lines now and says boycott when he means blockade . . . refers to dismounting from an aircraft instead of disembarking, and displays an embarrassing unawareness of events. . . ."

A *New York Times* news article on Reagan's 69th birthday reported: "At an age when many Americans are grey and retired, the former governor of California. . . ."

Judy Bachrach in the *Washington Star* described the reporters traveling with Reagan as "monitoring his vital signs with all the avidity and the expertise of first year medical students." As far as I know, their descriptions are all accurate, but confronted with this phalanx of amateur gerontologists, Reagan must suppress every yawn and guard against the smallest verbal slip to avoid being classified as a basket case. At the slightest opportunity, Reagan quotes his doctor's opinion that "I am 15 years younger than my physiological age." Since this year all presidential candidates must be jocks, the press is told that when Reagan is at home on his ranch, he rides horseback, splits wood, and rolls his exercise wheel 30 times every morning. After he had trouble hearing questions at a rally, Reagan took pains to assure reporters that his hearing loss had nothing to do with age. He blamed it on the filming of a Western 40 years ago when another actor fired a gun filled with blanks by his ear.

The question being posed by implication is simply this: can a man in his early 70s, in good health, function effectively as president and handle the tensions, the long hours, and the rapid-fire decisions that come with the job? If Reagan's opponents and the press think not, they should say so and offer some evidence to defend this opinion. If they don't want to raise the age issue explicitly, they should cut out the pointed symbolism and innuendos.

Interviews with leading gerontologists and other aging specialists produced two surprising conclusions. None of these most obvious sources had ever been contacted by a reporter and asked what scientific evidence is available to illuminate the question of whether a 70-year-old man is capable of serving as president. And, with few exceptions, they would all vote for a candidate of Reagan's age if they respected his background, agreed with his politics, and were convinced that he was in good health. Reagan's age, in other words, is not a legitimate issue to most of those best able to judge.

The place to begin an examination of Reagan's age and its relevance to his performance in the White House is a simple life insurance mortality table. Here we find that Reagan has a much better chance of surviving until his 80s than the obsessively vigorous George Bush. At 55, Bush has a life expectancy of 20.4 years. In contrast, the odds are better than 50-50 that Reagan will see his 80th birthday. Nathan Shock, former scientific director of the National Institute on Aging, explained the figures this way: "If you manage to reach the age of 70, you're a survivor. Half of the

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people who were born on the same day you were are now dead. You're a tough cookie." Sadly, becoming president undoubtedly affects life expectancy far more than growing old does. The likelihood of Reagan's living through his term is not significantly less than that of any other leading presidential candidate.

But mere survival is not the real issue. The important consideration is whether the capacities of an otherwise healthy man are impaired when he enters his 70s. "As a society we make a big distinction at age 65," said Carol Eisdorfer, a psychiatrist at the University of Washington Medical School, "but real age distinctions do not begin to shape up until the mid-70s. That's why we like to distinguish between the young/old who are between 55 and 75 and the old/old who are over 75." The consensus in the field of aging research is that in most people there are gradual losses associated with age in the areas of hearing, some aspects of memory, and reaction time. Most other symptoms that we associate with the elderly are due either to disease or to the lack of outside stimulation. The real controversy in the field is whether intelligence and decision-making ability decline with age and, if so, at what age the deterioration begins. Here is what some experts say about each of these four areas:

Hearing: A loss of ability to distinguish higher frequencies is so widespread among the elderly that it is generally conceded that this is a function of age, rather than of illness. "What a cruel joke it is," said 73-year-old Nathan Shock, "that when you can finally afford an expensive hi-fi, you can't enjoy it." But Shock maintains that the practical effects of this very gradual hearing loss are minimal. You may have difficulties distinguishing sounds in a crowded room with heavy background noise, particularly s's and t's, but most people compensate for this with a small amount of unconscious lip-reading. Unless the hot-line system to Moscow is replaced by a relay of megaphones, this small deficiency should pose no difficulty for a president.

Memory: Here we are treading on sensitive territory, since the phrase "memory loss" conjures up the image of a senile old man wandering around aimlessly with his home address pinned to the lapel of his jacket. That's not what researchers mean by memory loss. They are talking about a minor deterioration in one's ability to perform well on memory tests conducted under laboratory conditions. Even Marilyn Albert, a neuropsychologist and the only scientist I talked to who said that age would be a factor in deciding whether to vote for a 70-year-old presidential candidate, admitted that it is hard to relate "failing a memory test involving learning three letters and reciting numbers backwards" to the real world.

Jack Botwinick, head of the Washington University aging and development program, stressed that memory of things that one considers important does *not* decline in one's 70s. All cross-sectional studies show, for example, that most people over 65 have larger vocabularies than they did when they were in college, said James Birren, the head of the Andrus Gerontology Center at the University of Southern California.

Verdict: A president in his 70s is not likely to forget where the red button is.

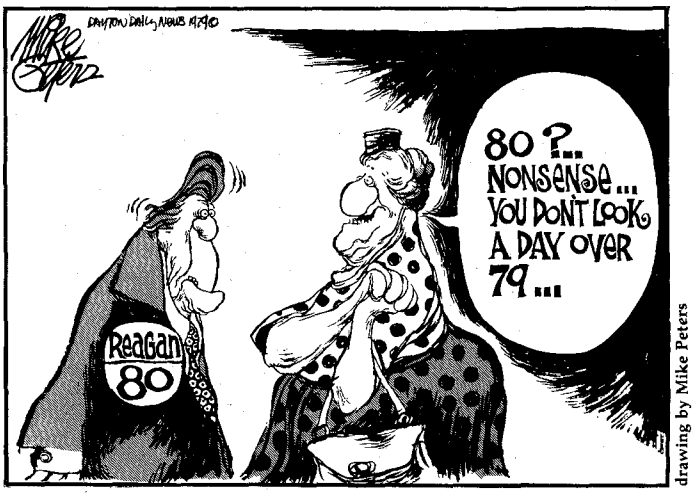
Speed of response: Studies indicate that there is a decrease in response time that correlates with age. But here we are talking about milliseconds, and the deterioration has more bearing on a pilot than a president. "I'd be comfortable with a 65-year-old pilot," Carl Eisdorfer said, "but I might be concerned if he were 75."

The whole issue of speed of response does have an important bearing on the argument over whether there is an intelligence decline in one's 70s. Dr. Jack Rowe, director of the division of aging at the Harvard Medical School, explained that on an IQ test the results for those in their 70s would be better if you gave them 45 seconds for each question rather than 30.

Decision-making ability: This is the nub of the problem. Laboratory tests have shown that those in their late 70s do considerably less well on analytical problems. Those researchers closest to this field, Marilyn Albert and David Arenberg at the National Gerontology Center in Baltimore, were the ones who expressed the most concern about a president in his 70s.

Again the question is how you interpret laboratory data. Albert is concerned that there are virtually no studies that separate out the very healthy from the general elderly population. Many of the findings might be attributed to disease rather than age, she said. The problems David Arenberg is working on in Baltimore involve the ability to determine the logical relationships between a series of 10 lights on a laboratory test board. Arenberg is confident enough of his conclusions to entitle a paper, "Memory and Learning Do Decline Late in Life." But many of the declines that he identifies in his studies occur in the late 70s. Arenberg reported that 28 percent of the men over 70 he tested showed no decline whatsoever.

Many of those interviewed also identified certain mental strengths that come with age, along with the liabilities. Jack Botwinick, for example, referred to the amorphous concept of "wisdom." Dr. Leslie Libow, Medical director of the Jewish Institute for Geriatric Care in New York, said, "Whatever subtle biological



drawing by Mike Peters

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changes that do occur with age are well compensated by judgment and an overview of life."

No scientific verdict involving human behavior is ever clear-cut. But Ronald Reagan's age seems to bother other politicians and political reporters far more than it disturbs those working in the fields of geriatrics and gerontology. The experts do raise legitimate questions about the need for careful monitoring of the health of any president or presidential candidate who is approaching 70. But it can be argued that this policy should be applied to all presidential candidates of whatever age.

If the Reagan campaign founders on the shoals of the age issue, it will not be the result of an informed opinion by the American electorate. Rather it will be an illustration that age-baiting is still permissible in a country that works so hard to eradicate all other manifestations of prejudice. There are so many better reasons to oppose a Reagan candidacy for president that it is a shame to sacrifice him on the altar of premature senescence.

Walter Shapiro

Walter Shapiro is a contributing editor of the *Washington Post Magazine.*

The writing's on the wall.

Purging the Posters

Back in the good old days—when Mao Zedong was always right and Deng Xiaoping was a capitalist roader—wall posters were all the rage in China. In one frenzied week during the Cultural Revolution in 1966, students at Peking University churned out 100,000 posters, enough to cover the Great Wall from end to end. Communist party cadres had to string wires along factory and office corridors so workers could hang up their latest attacks against revisionist superiors. "Anything goes," a Communist party official told a group of factory workers. "The main thing is to get the discussion going. We'll sort out the truth later on." More recently, the outpouring of *dazibao* (literally, "big character posters") on Peking's "Democracy Wall" has demonstrated extraordinary ideological flexibility. In 1978 workers from a Peking garage put up a poster charging that Mao had become "metaphysical" in the last years of his life; a few days later a schoolboy denounced his teachers as "unreconstructed radicals" because they gave him too much homework.

China's vice-premier, Deng Xiaoping, himself has been for years a prime target of wall-poster hostility. In 1967 one wall poster called him a "restorationist maniac," another in 1973 labeled him China's "leading capitalist reader," and last May a poster in Canton called him "old" and "incompetent." Now, according to reports from Peking, Deng wants to make wall posters illegal, despite the fact that the Chinese constitution guarantees the right to put up *dazibao* (it's right there in article 45 along with the rights to free speech, free assembly, and a free press). Deng apparently plans to introduce a constitutional amendment at the next meeting of China's National People's Congress to bring the law of the land into line with his wishes.

How boring Chinese politics threatens to become without wall posters! There will be no more demands that "revisionists" be boiled in oil (1967); no more attacks on Chinese leaders as "gnawing termites" and "malignant tumors" (1976); no more calls for China to throw off "modern superstition" and become a Western-style democracy (1978). The purge of the wall posters also gives the lie to any lingering illusion that China's leaders will tolerate the views of dissidents and dissident expression any differently than their Soviet counterparts.

According to the *People's Daily*, wall posters first appeared in China in 1957 as a "new way of fostering democracy." That is, they attacked the people Mao wanted to purge. Mao himself, however, did not take up wall posters until August 1966. His first effort appeared on the eve of the Great Proletarian Cultural Revolution. It charged that in recent months certain comrades had "stood facts on their heads and juggled black and white, encircled and suppressed revolutionaries, stifled opinions different from their own, imposed a white terror, and felt very pleased with themselves." Not only that, they had "puffed up the arrogance of the bourgeoisie and defeated the morale of the proletariat."

"How poisonous," Mao declared. "Viewed in connection with the right deviation in 1962 and the wrong tendency of 1964, which was left in form but right in essence, shouldn't this make one wide awake?" Communist party cadres spent many days studying this poster, the *People's Daily* reported.

Two weeks after Mao's first wall poster appeared, the Cultural Revolution was under way, and tens of thousands of radical Red Guards rampaged through Peking streets plastering *dazibao* everywhere. One poster ordered stores to stop selling cosmetics and "outlandish" Western fashions. Another called for restaurants to simplify their "bourgeois" menus. A third demanded the alteration of "odious imperial street names." Eternal Peace Boulevard quickly became East is Red Boulevard; Street of Prince's Well, Struggle Against Revisionism Street. The Red Guards then moved on to more direct action. In Shanghai, they dragged party officials out of their offices and paraded them in dunce caps through the streets. In Peking, they flocked to the airport and forced members of the British embassy to kneel down before a giant poster of Mao before they could catch a plane to Hong Kong. By the time the Cultural Revolution had run its course, Mao had purged all his moderate opponents, including

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China's president Liu Shaoqi and Liu's top deputy, Deng Xiaoping. Liu died in 1969; Deng spent his years out of power working in a school cafeteria and other "rehabilitative" jobs. Then in 1973 Deng suddenly reappeared at a state banquet. Premier Zhou Enlai introduced him to guests as China's vice-premier. An unrepentant capitalist roader to the end, Deng quickly reintroduced material incentives in China's factories and urged China to modernize as rapidly as possible.

Zhou died in January 1976. On February 17 a wall poster appeared at Peking University demanding the removal of China's leading "capitalist roader." Although the wall poster didn't attack Deng by name (wall posters seldom did) it quoted his most famous saying—"It doesn't matter if it's a black cat or a white cat. As long as it catches mice it is a good cat"—as evidence of his hopeless pragmatism. A few weeks later, another poster immortalized another, less famous, quotation from Vice Premier Deng: "He who occupies the toilet without success must leave the room to make way for someone else." The radical leaders of the anti-Deng campaign thoughtfully supplied buses so students and workers from all over Peking could visit Peking University and copy down the wall posters. Richard Nixon, back in China on a private visit, also made the tour. After looking at the posters, the former president turned to his hosts and said, "I thought your power struggle had been resolved in 1968."

The Cultural Revolution was a hard act to follow. By the time Mao died in September 1976, wall posters were in danger of becoming as passé as toasts to Sino-Soviet friendship, the campaign against Deng notwithstanding (that campaign ended successfully in April 1976, when the Politburo, "on the proposal of Chairman Mao," stripped Deng of all his posts following a riot in Peking's Tienanmen Square). The arrest in October 1976 of the Gang of Four, however, on charges of planning a coup d'état breathed new life into a dying art form. Even at the height of the Cultural Revolution, China's leaders had toned down several wall posters demanding that revisionists be "boiled in oil" for fear that foreigners might take the posters literally. This time there were no limits.

The first poster attacking the Gang of Four appeared on October 16. It pictured Jiang Qing, Mao's wife and a leader of the gang, hanging from the gallows, her face twisted in agony. The next day's poster portrayed Mrs. Mao as a snake and charged that she had tormented Mao during the last days of his life. On October 18, a poster charged that Jiang Qing had personally tried to kill Mao on his deathbed. The anger of the masses knew no bounds: "Criticize her until she stinks!" "Crush Jiang Qing like crawling vermin!" In the following days, the Gang of Four was called, successively, "fleeing rats," "wolves with a human face," "gnawing termites," "malignant tumors," and finally, "dog excrement." But the last word, even in death, belonged to Chairman Mao. "I am already 80 years old," a wall poster quoted Mao telling his wife a year before he died. "I am too old and my physical condition is getting weak. Why don't you have any sympathy? How I envy Mr. and Mrs. Zhou Enlai."

It was only a matter of time before the wall posters took on Mao himself. Emboldened by official criticism of many of Mao's policies, poster writers began attacking Mao on Peking's Democracy Wall in November 1978. At first they tried to be tasteful, suggesting that Mao's advancing age perhaps had impaired his Marxist judgment in 1976 when he proposed the purge of Deng Xiaoping. "Because Chairman Mao's thought was metaphysical in the last years of his life and for all sorts of other reasons," workers from a Peking garage wrote, "he supported the Gang of Four in getting rid of Deng Xiaoping." Four days after that poster appeared, however, a Chinese railway worker asked more directly: "Didn't Chairman Mao know that his wife Jiang Qing was a traitor?" Another poster declared that Mao had been positively "muddled" from 1969 on.

The climax came on November 25. A poster appeared declaring that Mao was "70 percent good and 30 percent bad"—the same judgment Mao had once placed on Joseph Stalin. This was too much even for Deng Xiaoping. Mao was much better than 70-30, he told an American journalist, "and I myself am only 60-40." But the criticism of Mao continued. A few days after Deng made his remark, a poster went up on Democracy Wall praising Mao. On it someone scrawled, "Bastard."

Deng's evaluation of Mao in November 1978 was the first attempt by China's leaders to rein in the latest excesses of the wall posters. But the criticism of Mao appearing on Democracy Wall persisted, and soon broadened to include criticism of China's legal system and, once again, of Deng Xiaoping, this time for not giving China more democracy. In one of the most famous wall posters, Wei Jingsheng, a 29-year-old former Red Guard, called for a "fifth modernization"—democracy—to go along with China's four economic modernizations of agriculture, industry, defense, and technology. "Of course you can put an end to the democracy wall," the poster declared, "but you cannot help trembling before us, the explorers."

Last March, the Chinese authorities arrested Wei as part of a general crackdown on dissidents. He was charged with disseminating "counterrevolutionary" ideas through his wall posters and with passing unidentified foreign secrets to an unidentified foreign agent. Five months later, on October 16, a Peking court sentenced Wei to 15 years in prison. In a report on Wei's trial, the *People Daily* noted that Wei had "brazenly exercised his constitutional right to defense."

So much for freedom of expression.

Jonathan Kaufman

Jonathan Kaufman is a reporter for the *Wall Street Journal* who recently spent a year in Hong Kong.

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Caveat vendor.

The Trouble with ABSCAM

by Nathan Lewin

Was the FBI expecting to be hailed with cheers and bouquets for the cleverness of ABSCAM, its most recent "sting," which resulted in films of seven or eight congressmen agreeing to exchange official acts for substantial cash payments? The extraordinary detail with which disclosure of investigative details was made to the media, including even advance notice of impending FBI visits to the homes of targets of the investigation, is consistent only with a design on the FBI's part to insure that it would receive full public acknowledgment for the ingenuity and success of the operation. When and how the FBI is to be credited for law-enforcement triumphs has been a bone of contention between it and the Justice Department for many decades, and the premature leak seems to have been the FBI's way of preserving at least its fair share of the applause.

A brief burst of public acclaim accompanied the initial wave of outrage over the reported conduct of legislators who were caught stuffing currency into their briefcases or their pockets. And the FBI was not hurt by the benighted prattle of Florida congressman Richard Kelly, who insisted on network television that he was engaged in a one-man investigation foray when he accepted his $25,000 in cash. The first public reactions were soon overtaken, however, by doubts regarding the FBI's investigative techniques. The leaks that led to the enormous publicity have been uniformly condemned by government and private lawyers, and the attorney general has announced that a United States attorney has been designated to investigate and prosecute these disclosures. More importantly, lawyers have expressed serious misgivings about the nature of the investigation itself. The ACLU issued a statement questioning the FBI's tactics, several unimplicated congressmen asserted that what had happened smacked of a "dictatorship" and of deliberate exploitation of human weakness, and noted law professors such as Alan Dershowitz and Yale Kamisar began predicting that potential prosecutions of the legislators would fail because of "government misconduct."

How is this sting different from those that preceded it? When the United States Attorney's Office for the District of Columbia announced in February 1976 that the DC Police had been buying stolen merchandise for several months in a warehouse which they equipped with videotape cameras, the phony fencing operation was seen as the ultimate in sophisticated law enforcement. A similar ruse made a great hit in Boston, where large caches of goods stolen in New England truck hijackings turned up in a similar operation.

In a prompt public appearance before television cameras at a Senate hearing, the Department of Justice assured the Congress that ABSCAM began as just another sting of the kind that worked so well in Washington and Boston. Philip Heymann, the assistant attorney general for the Criminal Division, told the Senate Ethics Committee that it all started as "a relatively routine effort" to recover stolen art and some counterfeit certificates of deposit. Undercover FBI agents posing as fences let it be known that they were interested in buying contraband. One thing led to another, and the agents were ultimately introduced to "corrupt middlemen" who had other things to sell. The middlemen offered "to make available political services for which the brokers intended to take a commission." Responding to the allegation that the Justice Department had unfairly targeted specific senators or congressmen, Heymann insisted that "it was the corrupt middlemen who were neither agents nor employees, nor knowing informants of the Federal Government . . . who sought out and brought in whatever figures were brought into the operation." At this point, he said, the FBI agents did not "step back" and refuse to buy "governmental favors" from the targeted legislators. Instead, if the stories that have leaked are true, they provided, on videotape, $50,000 cash to each of four congressmen or "middlemen," $25,000 to Congressman Kelly, and promises of an interest in a titanium mine to a senator. These payments and promises were reportedly made in exchange for undertakings to introduce bills or exercise influence on behalf of a fictional Arab sheik—an identity created by the FBI for the purpose of determining whether the congressmen would sell them "political services."

These facts naturally lead lawyers to contemplate the enigmatic legal doctrine of "entrapment." The Supreme Court first addressed that doctrine in 1932, and the decision issued almost half a century ago generated a difference of legal opinion on the entrapment doctrine which persists to this day. In the 1932 case a federal prohibition agent repeatedly asked a North Carolina farmer whom he was visiting whether the farmer could provide him with liquor. After the third request, the host produced a half-gallon of moonshine which he sold to his visitor for five dollars. He was then arrested and prosecuted for violating the prohibition laws.

The Supreme Court's majority, speaking through Chief Justice Charles Evans Hughes, observed that

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"artifice and strategem may be employed to catch those engaged in criminal enterprises," and that government agents may properly "afford opportunities or facilities for the commission of the offense." However, the Court continued, "a different question is presented when the criminal design originates with the officials of the government, and they implant in the mind of an innocent person the disposition to commit the alleged offense and induce its commission in order that they may prosecute." In explaining why entrapment is a defense in criminal cases, Chief Justice Hughes emphasized the "otherwise innocent" character of the accused. He concluded that Congress could not have intended to have the criminal law used to prosecute "a person otherwise innocent whom the government is seeking to punish for an alleged offense which is the product of the creative activity of its own officials."

Three other respected Justices then on the Court—including Brandeis and Stone (who later became Chief Justice)—proposed a significantly different rationale for the entrapment defense. They did not believe that the issue should be whether the accused was "otherwise innocent." While agreeing that law-enforcement personnel could employ "traps, decoys and deception" to gather evidence of crime, they thought that the entrapment defense was intended to prevent improper investigative practices. Criminal prosecution should not be used for "the trial of a crime instigated by the government's own agents." Whether the defendant was predisposed to commit the crime was not the central issue. It was, rather, whether the crime had been manufactured by government agents. Or, as Justice Brandeis had put it several years earlier, the government "may not provoke or create a crime and then punish the criminal, its creation." If the Brandeis theory were now the law, it could provide a legal defense for any potential ABSCAM defendant who would be willing to admit that he received money, but who claimed that the entire scheme originated with the government.

The Brandeis view picked up significant support when Justices Frankfurter, Harlan, Douglas, and Brennan expressed their agreement with it in a 1958 decision concerning a narcotics conviction that was overturned on grounds of entrapment by a unanimous Supreme Court. In order to bring more predictability to future entrapment questions, Justice Frankfurter wrote a separate opinion explaining their position.

Frankfurter took the position that an entrapment defense is permitted not because the entrapped defendant is any less guilty but because "the power of government is abused and directed to an end for which it was not constituted when employed to promote rather than detect crime."

The Brandeis-Frankfurter position was, however, explicitly repudiated by a five-to-four Supreme Court majority in 1973. Justice William Rehnquist then wrote an opinion explaining that the entrapment defense is not a remedy for "overzealous law enforcement" but is, rather, a means of distinguishing between an "unwary innocent" and an "unwary criminal." And a 1976 decision—from which only three Justices dissented—reaffirmed the principle that the entrapment defense "focuses on the intent or predisposition of the defendant to commit the crime" and not on whether the crime was the creation of government agents.

Thus the present state of entrapment law provides little solace for the targets of the FBI's investigation, all of whom could probably be shown, by their ready participation in the proposed illegal ventures, to have had guilty "predispositions." Yet there is something about the FBI's latest sting that causes more disquiet than even the scenarios that gave rise to the Supreme Court's leading entrapment cases.

The rub may be that when all is said and done, the "purchase of political services" described by Assistant Attorney General Heymann never existed anywhere but in the minds of the legislators who were doing the selling. When the FBI or the local police establish a center for the purchase of stolen goods, every seller who participates in a transaction has committed an actual offense—he has come in with purloined merchandise. The same is true even of the hapless North Carolina moonshiner involved in the Supreme Court's first case. No matter what the inducement, he actually committed the concrete act of selling prohibited liquor. And when undercover narcotics agents go out on the street to buy drugs, those who supply the narcotics to them have committed criminal acts by possessing and transferring the drugs. But what did the legislators who greedily took the FBI's money actually do?

They accepted cash gifts and probably believed that the money was in exchange for official acts. The applicable bribery law does not forbid receiving "anything of value" unless the money is taken "because of any official act" or "in relation to" a matter involving the federal government. But there were no official acts that actually were done or could ever have been performed in exchange for the money. The Arab sheik whom the congressmen had agreed to help did not exist. ABSCAM therefore seems analogous to a situation in which government agents supply a suspected drug dealer with sugar which he believes to be heroin and lead him to believe that he is transferring contraband in a clandestine transaction. Has the dealer committed a crime because his intention was to violate the law? Or do the objective facts control, and since it is not a crime to sell sugar, the dealer has committed no offense?

Generations of law students have puzzled over questions like these, and courts have contributed to the general puzzlement. A New York court has ruled, for example, that an individual who buys goods believing them to be stolen is not guilty of attempting to receive stolen merchandise if the goods are not, in fact, stolen. A Missouri court has held that giving a bribe to

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someone in the belief that he is a juror does not constitute attempted bribery if the recipient is not, in fact, a juror. On the other hand, the same Missouri court has ruled that it is attempted murder to fire a gun at a bed thinking that it is occupied when, in fact, it is not. And the hypothetical question previously posed—whether a prosecution for attempting to violate the narcotics laws may be based on a transaction in which sugar is used—has been decided both ways by different federal courts.

The reasoning of those decisions that have refused to permit criminal prosecutions when the actual crime exists only in the mind of the accused rests on a pragmatic judgment. Organized society has enough on its hands in pursuing and punishing illegal conduct without dealing as well with bad designs which cannot be realized. Although an illegal motive or an intent to violate the law may be an indispensable element of a crime, the motive alone is not punishable if the criminal act cannot be performed.

Was it, then, a legitimate objective of the FBI to test legislators who, according to the "corrupt middlemen," were prepared to sell their "political services"? No one can doubt that the susceptibility of a legislator to bribe payments should be of great significance to his constituency. Those who place themselves in positions of public trust cannot complain if their integrity is tried by such tempting offers, and if the results of these tests are then thrown open to the scrutiny of the electorate. But the use of the criminal process, intended to apprehend and punish actual wrongdoers and not all those susceptible to temptation, is a different matter.

If any of the legislators caught up in ABSCAM sold their "political services" in the past, they may surely be prosecuted for the crimes they committed. Indeed, the middlemen who were so sure of the legislators' corruptibility that they initially named the congressmen and senator as likely vendors of "governmental favors" should be in a position to provide evidence on which their influential friends might be indicted and tried for past favors done. But the offense that was manufactured totally by the FBI—the exchange of cash or its equivalent for a nonexistent political benefit—seems far beyond the proper reach of the criminal process.

Heymann began his presentation to the Senate Ethics Committee with a request, "on the strongest possible terms," that Congress defer any investigation of its members until after trials are concluded or the Justice Department determines not to prosecute. In the ordinary case, where conduct that is plainly criminal is a subject of interest to prosecutors and to a legislative investigation, this would be the most sensible course. A publicized legislative investigation would probably jeopardize a potential criminal prosecution, not only by generating publicity that would make a fair trial impossible but by affecting the rights and obligations of witnesses and possibly influencing their testimony.

But ABSCAM—at least that part of the operation involving elected officials—is a unique situation. The electorate's interest in getting timely information about candidates running for office in this election year is great, and the criminal process's interest, given the impossibility of any concrete harm, is minimal.

A voyage into the Afrikaner mind.

The Smut-Hounds of Pretoria

by Paul Fussell

Pretoria, South Africa

"Hairdressers: Unisex and Ladies," reads a sign in Cape Town. Odd dualistic distinctions like that are endemic in the Republic of South Africa, a venue devoted largely, it would seem, to conceiving and enforcing divisions designed to simplify an actuality irredeemably complex and ambiguous. If the melting pot was the industrial image once thought suggestive of American social possibilities, the South African image would have to be the cream separator, or the industrial sieves in the Johannesburg mines that separate diamond from rock. In the same way, Afrikaner is divided from British, Asian and "colored" from white, and black from all. Apartheid applies not just to blacks but to everybody and everything. It expresses the essential action of the ascendant South African sensibility, which can be described as late-19th-century rural Dutch, aggressively provincial humorless, unimaginative, and philistine. Just as synthesis is, or used to be, the American ideal, analysis is the South African one. "Non-White Only," say the signs on the buses; "Asians and Coloreds Only."

This anxiety to classify and separate allies itself with

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another Afrikaner specialty, prudery, to produce the local institution of censorship, which divides all expression into two categories: the acceptable and the "undesirable" (the official term). "Are you carrying any undesirable books or magazines?" asks the customs officer at the Johannesburg airport. He means *Portnoy's Complaint* and *Playboy*. The censorship derives from two acts of Parliament: the Internal Security Act of 1950, designed to repress utterances that might promote communism, and the Publications Act of 1974, designed primarily to dampen erotic imagining. The Publications Act forbids not just indecency. It also prohibits expression found to be "blasphemous, or . . . offensive to the religious convictions or feelings of any section of the inhabitants of the Republic." Furthermore, it prohibits utterance which brings any section of the populace into ridicule or contempt. Thus, satire of Afrikaner sexual anxiety, as registered in the Publications Act, is prohibited as undesirable. (Actually, only about 10 percent of publications are banned for political reasons. Ninety percent are prohibited for sexual provocativeness.)

The Publications Act is administered by committees arranged in three echelons. At the bottom, local committees (club ladies, etc.) receive complaints from scandalized readers and make recommendations to the Directorate of Publications, a division of the Department of the Interior sitting at Pretoria. The Directorate rules on each case and promulgates its list of forbidden books and artifacts weekly in the *South African Government Gazette*. Above the Directorate, the Publications Appeal Board hears appeals from the Directorate's rulings and sometimes reverses them, as it did recently with Nadine Gordimer's *Burger's Daughter*. (Gordimer will relate the whole sick story in a forthcoming pamphlet, *What Happened to 'Burger's Daughter'?*, which perhaps will be banned.) All three echelons in the censorship process are enjoined by the act to remember in their deliberations "the constant endeavor of the population of the Republic to uphold a Christian view of life." The importation, production, or distribution of proscribed works is a criminal offense. With certain particularly flagrant items, mere possession is criminal.

The local guide through this bizarre situation is *Jacobsen's Index of Objectionable Literature . . . Containing a Complete List of All Publications . . . Prohibited from Importation into the Republic of South Africa*. The compiler of this indispensable work, to be found in all bookshops and public libraries, is the indefatigable K. J. K. Jacobsen, whose assiduity in solemnly recording the rulings of the Directorate of Publications might be thought to veer close to satire. He keeps his *Index* up to date weekly with loose-leaf pages recording the ukases of that week's *Gazette*. At the moment the *Index* contains more than 300 pages of tiny print listing more than 13,000 no-no's, not all of them books. Some are records (or their jackets), like *Hair* and the performances of Pete Seeger. Some are rude postcards, of the Donald McGill seaside sort, displaying comic hypertrophied breasts and behinds. Some are waggish novelty stickers ("Tennis players have hairy balls"; "Candy is dandy, but sex won't rot your teeth"). A number of printed T-shirts are forbidden, including such classics as the one showing two pigs copulating, labeled "Makin' Bacon," and the ones with the legends "Only You Can Prevent Children" and "Of all my relations I like sex the best." (T-shirts printed with the peace symbol and with "Black is beautiful" are also out.) Greeting-cards essaying double entendre are proscribed, like the one reading, "On your birthday I'm going to give you something big, red, and hard." A jigsaw puzzle depicting a nude Marilyn Monroe is forbidden; so are the luscious calendars normally found in garages and workshops. And of course "sexual aids": vibrators, dildos, penis rings, rubber female figures, "condoms with offensive attachments." An "Adam and Eve salt and pepper set" must be very dirty, for it is prohibited. So is the periodical *Gay News* (London), together with *l'Humanité* (Paris). The print of the famous Modigliani reclining nude—a favorite of artistic college boys everywhere—was proscribed for years, but recently it has been removed from the prohibited list, despite its stylized pubic hair. (We are to infer that a masterpiece may exhibit a little such hair, but not the run-of-the-mill painting. A young woman recently had four of her paintings of studio models removed from a group show in Johannesburg for this offense. Purged from the same show were some etchings by another local artist depicting nude young men engaged in housework, gaily plying feather dusters and vacuum cleaners.)

But most of the items listed in *Jacobsen's Index* are books, and it's here that the Afrikaner mind most interestingly reveals its sensitivities. The whole corpuses of sly pornographers like Gershon Legman and Gordon Merrick are prohibited, together with most of the pseudo-hot fictions of hacks like Jack Woodford and Carter Brown, and the perhaps more valuable works of William Burroughs. Of course sex guides like Alex Comfort's *The Joy of Sex* are forbidden. (The Pretoria smut-hounds have not yet encountered *The Joy of Gay Sex* and *The Joy of Lesbian Sex*; these, we can be sure, will shake them badly.) In publishing its weekly list of books and authors, the Directorate is obliged to use the authors' names as they appear on title-pages. The *Gazette* will earnestly inform us that we must not read a certain work by "Roger Shaft," or by "Nona Coxhead," or by "Lance Horner," thus providing the pornographers with a small comic revenge. We are not surprised to find the works of Linda Lovelace and Xaviera Hollander forbidden, but we may be astonished to learn that the Directorate has proscribed Mimi Sheraton's *The Seducer's Cookbook*. Gore Vidal's *Kalki* is prohibited because it violates, among other things, the blasphemy clause of the Publications Act, going so far in one passage as to point to a resemblance between the male genitals and the Holy Trinity.

Sodomy is the problem in Mailer's *An American Dream*.

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Wit about diaphragms is what puts Mary McCarthy's *The Group* on the list. Edmund Wilson's *Memoirs of Hecate County*, John Updike's *Couples*, and Lawrence's *Lady Chatterley's Lover* are all there for deviating from the Afrikaner image of wholesome wedded coitus. The same is true of Philip Roth's *Letting Go*, although *The Breast* may offend through sheer outrageous wit and wealth of literary allusion. Nabokov's *Ada* is on the list, together with James Guetti's novel about compulsive gambling, *Action*. Malamud's *The Assistant* is forbidden, and so are Martin Amis's *The Rachel Papers* and *Dead Babies*. His father Kingsley Amis's *I Want It Now* may not be imported, and neither may *The Green Man*, presumably for blasphemy. *Jacobsen's Index* contains such old standbys as Apollinaire, Swinburne, de Maupassant, Zola, Robert Burns, Daniel Defoe, Boccaccio, John Addington Symonds, Aubrey Beardsley, Stekel, and Krafft-Ebbing. But most of the proscribed authors are contemporary, and Americans can feel proud that so many of their current writers have made the list. Prohibited works include at least one book by Leonard Cohen, Robert Penn Warren, Jack Kerouac, James Baldwin, Joan Didion, Kurt Vonnegut, Joseph Heller (*Catch-22* recently has been cleared after many years; *Something Happened* is still banned), James T. Farrell, John O'Hara, Nathanael West, William Faulkner, Karl Shapiro (*Edsel*), Tennessee Williams, Maxine Kumin, George Garrett, R. V. Cassill, John Cheever, Paul Theroux, James Jones, Truman Capote, Thomas Pynchon, Richard Brautigan, Angela Davis, Erskine Caldwell, Howard Hunt (!), Nelson Algren, Ken Kesey, Tom Wicker, Walker Percy, Rona Jaffe, Alison Lurie, Shelby Foote, Alan Lelchuk, Richard Wright, Frederick Prokosch, Robert Coover, Herbert Gold, Leslie Fiedler, John Hawkes, and John Irving (*The World According to Garp*). We must be doing something right.

Even scholarly works are occasionally proscribed for political suggestiveness, like John Hope Franklin's *From Slavery to Freedom*. Of course the writings of Lenin, Engels, Trotsky, R. Palme Dutt, Marcuse, and Malcolm X may not be imported; but forbidden likewise are learned analyses of Marxism in relation to the history of ideas like Sidney Hook's *From Hegel to Marx*, or even unsympathetic treatments of Marxism like the books of Robert Conquest. Scholarly writings that seem to touch on sex are banned as easily as lubricious fictions or naughty rubber goods. The Princeton historian Lawrence Stone's *The Family, Sex, and Marriage in England, 1500-1800* was declared undesirable in the *Gazette* for December 21, 1979, following on the prohibition of Nick Reynolds's *The French Orgasm*, the pamphlet *Sept. 12: Steve Biko Day*, and a "vibrator in the shape of a tongue."

The Afrikaners seem especially sensitive to writings that imply that war is either boring or dangerous. Thomas Heggen's *Mr. Roberts* has been on the list since the 1950s, and so has Dalton Trumbo's *Johnny Got His Gun*, the famous rendering of the consciousness of a World War I basket case. Even Audie Murphy's naive memoir of his heroic behavior in World War II, *To Hell and Back*, is forbidden, perhaps for bad language. The censors also seem to keep a sharp lookout for works implying a possible relation between military training and homosexuality. Calder Willingham's *End as a Man* finally has been cleared after having been prohibited for years, and Lucian K. Truscott IV's recent *Dress Gray* went on the list as soon as it hit the republic, which requires two years of compulsory military service, widely hated.

Bernard DeVoto's *Portable Mark Twain* (1946) is on the list, and the censors give as the reason "falsified contents," presumably referring to the scholarly dispute about the authorship of some of the writings DeVoto includes. But since the Directorate of Publications does not normally trouble itself about the authenticity of texts, we may suspect that the real reason is that the volume contains the prose satire "The War Prayer": "O Lord our God, help us to tear their soldiers to bloody shreds with our shells; . . . help us to wring the hearts of their unoffending widows with unavailing grief; . . . we ask . . . in the spirit of love, of Him Who is the Source of Love. . . . Amen." Novels morally harmless which nevertheless tend to discredit the military or to suggest that high officers are fallible have a hard time in South Africa. Thus Stuart Cloete's sentimental middlebrow fiction about World War I, *How Young They Died*, is prohibited, but perhaps the real reason is to punish the author—he is a South African—for his disloyalty in once publishing *Mamba*, a novel touching on indigenous black life.

Some of the prohibitions will strike the non-Afrikaner as odd. Orwell's *Down and Out in Paris and London* was on the list for many years, although it now may be imported freely. Did it go too far in discouraging the tourist trade by exposing luxury hotels and restaurants as filthy and bogus? Or was its mild socialism thought inflammatory? Alec Waugh's innocent novel *Island in the Sun* may not be sold, and neither may his *A Spy in the Family*. Peter Benchley's *Jaws* is conceived to pose a threat, like Hiram Haydn's *The Time is Noon* and such dated goods as Cyril Connolly's *The Rock Pool* and Dorothy Baker's *Young Man with a Horn*. One would think John Livingston Lowe's *The Road to Xanadu*, his classic (1927) study of the sources of Coleridge's "Kubla Khan," unlikely to occasion a blush anywhere. But the edition of 1978, *Jacobsen's Index* informs us, may not be distributed in South Africa. This edition is published in paperback in London, and although I've not seen it, I can imagine that the problem—barring an anomalous anti-Apartheid introduction by some manic young person—must be an inappropriately lewd cover designed by some bright boy at Pan Books Ltd. to make the product "go" among the uninstructed.

If the occasional scholarly or polemical book is stopped, most of the books banned are novels, a genre apparently assumed to pose special risks. The hard-working civil servants of the Directorate of

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Publications are so busy reading questionable novels that they don't notice the streams of filth pouring into the republic in the form of memoirs, letters, poems, literary criticism, biographies, and social histories. J. R. Ackerley's *My Father and Myself* circulates freely, and so does Isherwood's *Christopher and His Kind*: both are memoirs and thus not immediately suspected as vehicles of nastiness. Isherwood's novels *The Last of Mr. Norris* and *The World in the Evening*, being fictions, have been easily discovered to be undesirable. The flagrant indecency of Tom Driberg's posthumous memoir *Ruling Passions* has been called to the Directorate's attention, and it has taken action there; but because South Africa is not a terribly bookish place, no one's ever complained, apparently, about Ginsberg's *Howl*, Robert Creeley's *A Day Book*, the works of Paul Goodman, or R. W. B. Lewis's thoroughly scholarly biography *Edith Wharton*, which offers as an appendix (pp. 547-548) a hitherto unpublished passage by Wharton warm enough ("His head bent lower, and with a deeper thrill she felt his lips pressed upon that quivering invisible bud," etc.) to make Genet (proscribed, of course) seem like Daisy Ashford. The Directorate appears to be especially troubled by literary depictions of the act Wharton describes, and if Lewis's book has so far escaped proscription, Richard Ellmann's *Selected Letters of James Joyce* (1975) has not.

But if the censorship prevents public access to the rich modern literature of sex, it also bars loonies and the violently mad from items like a pamphlet titled *The Negro a Beast*, issued by the South African Anglo-Nordic Union. The grossly anti-Semitic *Protocols of the Elders of Zion* is prohibited, and so are *This Time the World* and *White Power*, by the late American Nazi George Lincoln Rockwell. If the Publications Act forbids anti-apartheid pamphlets and brochures and handbills focusing on the scandals of Sharpville and Soweto, it also forbids Terry P. Edwards's *The Mercenary's Manual*.

Attitudes toward the censorship vary. The majority Afrikaner middle class is pleased with it, although some Afrikans authors like the novelist André Brink have discovered recently that they can be banned like anyone else. Intellectuals of British background are infuriated with it and deeply ashamed of it, although none entertains hopes that it will soon be done away with. The booksellers, obliged to tread carefully, consulting *Jacobsen's Index* every step of the way, deplore it both as bad for the trade in general and as a costly bore. But some booksellers have become shrewd in defying the Directorate, at least for the brief time it takes for a questionable book to be unloaded on the docks and the Directorate to be informed by the local committee that the book should be scrutinized for undesirability. The Cape Town booksellers rush the copies off the dock and sell as many as possible before the Directorate can act. Thus one enterprising book shop in Cape Town recently got ff 50 copies of Styron's *Sophie's Choice* before the censors could get through it and, arriving at pages 496-498, forbid it.

Banned South African authors, deprived by the Publications Act of any local readership, complain that their British and American publishers let them down by supinely accepting the censorship. One embattled novelist asked, "Why don't American publishers protest more strongly when their books are banned here, even though sales might amount to only a couple of hundred copies?" I'm afraid the last part of the question answers the first part. But sometimes publishers go to bat for their books, the way the Cape Town representative of the British firm Hodder & Stoughton recently did. An historical novel of theirs, *Now God Be Thanked*, by John Masters, was banned, presumably for a persuasive scene of defloration (pp. 320-326), although the novel's touching on the military screw-ups incident to the British First World War can't have endeared it to the censors either. The Hodder & Stoughton man journeyed to Pretoria and argued the book's case before the Publications Appeal Board, pointing out that the novel was the first volume of a projected trilogy and that it seemed unfair to ban a work destined to run over 2000 pages because seven of them delivered a sexual scene. The Appeals Board was persuaded and lifted the ban.

Some South Africans have allowed themselves to hope that the new administration of Prime Minister Botha will gradually loosen the censorship, in practice if not in theory. They point to several successful appeals and reversals in the last few months: Irwin Shaw's *The Top of the Hill* has been cleared, together with Pynchon's *Gravity's Rainbow*, Jacqueline Susann's *The Valley of the Dolls*, Nadine Gordimer's *A World of Strangers*, Tennessee Williams's *A Streetcar Named Desire*, Alan Sillitoe's *Saturday Night and Sunday Morning*, and James Jones's *From Here to Eternity*. Even *New Approaches to Sex and Marriage*, by John E. Eichenlaub, MD, may now circulate. But other citizens of the republic, noting the undiminished power of the Afrikaner majority and the traditional rigidity of its outlook, despair of change. "It's a Calvinist country," observed one Johannesburg intellectual. Sitting on the powder keg of revolutionary racial violence, the heirs of the Dutch pioneers continue to worry about the threat of vibrators and outré sexual images, devoting that energy to literal-minded acts of classification that could be spent on social reform before it is too late.

Coming:

Should Women Register for the Draft?

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Morton Kondracke on What to Expect from New Hampshire.

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Books and the Arts

Stanley Kauffmann on films

Glut and Gluttony

Caligula is a bad film, but it has its points of interest. Expectation has been dour because the author of the screenplay, Gore Vidal, insisted on a guarded credit (it says that he wrote the script from which the film was "adapted"), and the director, Tinto Brass, asked that he be credited only with "principal photography." (For these gents, apparently, half aloof is better than none.) In the event, expectation is both fulfilled and surprised.

Surprises, first. Malcolm McDowell, as the naughty emperor, does well. I can't say that he realizes the role because there isn't any, just a long series of scenes in which Caligula wants or doesn't want something; but in a perverse way—if that's the adjective—this brings more praise to McDowell. He has to make isolated moments believable, with only a factitious organism beneath them, and he does. His ranting and screaming and ludicrous bestiality are never, at the moment of performance, unbelievable. McDowell is more convincing in this string of scenes than he was in the more seemingly whole but equally factitious role of H. G. Wells in *Time after Time*.

Helen Mirren, who was with McDowell in *O Lucky Man!*, has the right sly tacit sexuality as his licentious wife. John Gielgud, an old councillor who commits suicide early (o lucky man!), inevitably gives his short role ivory dignity. And Peter O'Toole is absolutely excellent as the visibly decaying old Tiberius, grandfather of Caligula. The good modeling and the rich/subtle vocal detail of O'Toole's performance will doubtless be overlooked because he is mired in this long misery of a film. (Is there an O'Toole fate? He gave an exquisite performance in the leading role of another, differently poor film, *Brotherly Love* (1970), that was completely ignored.)

As social history, too, *Caligula* is noteworthy. A few years ago the French film *Exhibition* purported to be a documentary about a porno star's life but was really an excuse to get porno scenes on "respectable" screens. To my knowledge *Caligula* is the first fiction film in general release that contains many, many scenes of sexual activity photographed explicitly. Every variety of activity. Inferentially these explicit scenes were added by Bob Guccione, the co-producer, who co-directed the additional scenes and who is the publisher of *Penthouse*. Those scenes are reportedly the reason for the Vidal-Brass partial withdrawal. Admission is restricted to those over 18, and the price—in New York anyway—is $7.50 at all times.

The known players do not themselves participate in explicit sex, only mimed sex—though, if you've been waiting for the chance, you can see McDowell having a pee. And you can also see him lubricating a man's anus before, ostensibly, he shoves his arm up. In fact, this scene contains the film's one prudery—a socially indicative one. Caligula has swept off a bridal couple right after the ceremony. We see McDowell mime his screwing of the bride, but with the bridegroom, McDowell settles for a mimed arm job, not screwing.

All that's left now, in films outside the avowed porno field, is to see known actors—stars, in time—in explicit sexual activity, which I'd define as visible stimulation of sexual organs. We saw Gerard Depardieu's erection in *The Last Woman* but not its employment. In Oshima's film *In the Realm of the Senses* we saw the two leading players do everything, but they were unknown to us. Well, Guccione and pals are pioneering. Star sex will arrive. Be patient.

Where Guccione has not pioneered, is just keeping up to the mark, is in violence. Penises get lopped and displayed, as do heads—neither act novel by now. And violence is shown to be sexually exciting to Roman viewers. Spears and swords are shoved into bellies, and a good time is had by all except the recipients. Not exactly the same but also made agony-as-spectator-sport is the birth of a child.

Neither the violence nor the few good performances nor the points of social interest keep this film from its foreseeable tedium, chiefly because it strains so incessantly to be untedious. It begins so high, as actors say, that it has no place to go, though it keeps trying for two and a half hours. *Fellini Satyricon* was obviously the visual model for *Caligula*. *FS* has nothing much more in it than its visual qualities, but they are the work of a master image-maker. All that *Caligula* does is keep an eye on his eye.

I'm not going to compare the script with Camus's play. That comment is comparison enough.

Caligula was, it seems, a smart decision by some money men. *Fatso* was a stupid one, even though much less expensive. What in the world persuaded financiers to back this picture? (This question is more interesting, though not *much* more, than the picture itself.) The author and director is Anne Bancroft, who is in it, too, and the producer is Brooksfilm Ltd., a firm connected, I guess, with her husband, Mel Brooks. Still, money had to be raised and a distributor—20th Century-Fox—enlisted. Whatever persuaded them? It's easy enough to see why some flops might have looked

Films Worth Seeing

Angi Vera. Hungary, 1948. A young woman's ethical/political corruption, subtly dramatized.

Kramer vs. Kramer. The script is a romance of divorce (as against old Hollywood romance of marriage), but the acting is splendid all the way.

My Brilliant Career. Australia, 1897. A charming, spunky story filmed mostly by women, with a lovely performance by Judy Davis.

Our Hitler: A Film from Germany. Hans-Jürgen Syberberg's seven-hour collection of film poems. Special engagements. The two parts before intermission are monumental, the rest sporadically stirring.

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promising—*Promises in the Dark* and *Cuba*, for instance. But this?

In New York's Little Italy lives Dom DeLuise, who is a compulsive eater. First flaw: he isn't nearly fat enough for the piggery that he indulges in. His eating friends, the members of Chubby Checkers, a kind of dietary AA, look more like what DeLuise ought to be. He's a bachelor, living with his family, including Bancroft, his married sister. He falls in love with Candice Azzara, who has opened a gift shop down the street, and he tries to diet so that she will love and marry him. That's supposed to be the drama. But he doesn't succeed in dieting, and she marries him anyway. And the closing snapshots of him and their subsequent family show him equally corpulent. So what was the film all about? (Besides, the sequence in which he thinks he has lost the girl and falls off the dietary wagon wouldn't have passed muster at a 1918 story conference.)

A few strident family quarrels are funny. As actress, Bancroft (born Anna Italiano) is on sure ground, much surer than she is in the gentility and gravity she sometimes essays. DeLuise can be a pretty funny man, as in *The Muppet Movie*, but he isn't well used here. Azzara is modestly touching. Bancroft's direction consists of 1) knowing the milieu; 2) having a good staff.

Perhaps the money men thought of this as *Son of Marty*. But if *Caligula* makes *Fellini Satyricon* look somewhat better, *Fatso* makes *Marty* look Himalayan. If I were the president of the bank involved or of the distributor, I'd look into the qualifications of the people who endorsed this project.

In the *New Statesman* of January 25, 1980, Kevin Brownlow, the director and film historian, published "Cinematic Theology," an attack on semiotic film criticism. Brownlow hits hard, without a reductive know-nothing dismissal of a complex critical theory, and I agree in great part with his comments. His first sentence is quintessential: "Had I written this article in the approved style of semiology, you would not have read this far."

William Youngren on classical records

With every passing record I grow more puzzled by the brilliant conductor Carlo Maria Giulini. Why should the man who in the not-too-distant past gave us finely imagined performances of Mozart, Verdi, Tchaikovsky, and Rossini have given us the fussy and eccentric Schubert C-major Symphony (Deutsche Grammophon 2530 882) that I commented on last December? And why should he now give us a Beethoven *Eroica* (Deutsche Grammophon 2531 123) in which only the finale is adequate, the other movements all marred by slow tempos and pointless ritards?

Beethoven's metronome marking for the first movement, *Allegro con brio*, is 60 bars to the minute. The great conductor Felix Weingartner, in his indispensable book on the performance of the Beethoven symphonies, suggests 54. Though Toscanini, especially in his later years, gained a reputation as a fast and driven conductor, the *Eroica* that I think was his greatest, an unreleased broadcast of February 1949, is paced at about 52, with generous (though always sensible) ritards. And even the superb performance of December 1953, done during his last season and now included in the complete set of his Beethoven symphonies, is only at 54. But Giulini does the first movement at 44! In a sense one can see why, for though Giulini may be eccentric, he is almost never unmusical—he has his reasons. The heavily scored, vigorously striding passages of the movement come off very powerfully at 44. But the more lightly scored passages sound dangerously minuet-like, and the tension of the many syncopated passages is lost at so slow a tempo because the basic pulse gets lost. Every choice of tempo for a piece as complex as the *Eroica*'s first movement is of course a compromise: something will be gained and something lost. The trick (or art) is to find a basic tempo that is right enough for enough of the piece and that allows you enough room to maneuver when you need it—and then to maneuver in a way that is not unduly distracting. In addition to making a disastrous choice of tempo, Giulini further complicates matters by repeating the exposition, which I had never heard done until Abbado did it with the Boston Symphony in 1971. Weingartner wisely advises against taking the repeat, not only because the movement is long enough without it but also because the first ending of the exposition, compared with the stupendous music around it, is "*etwas konventionell.*" (Interestingly enough, another great work with a gigantic first movement whose exposition I don't recall ever having heard repeated until a few years ago, Schubert's late B-flat Sonata, also has an *etwas konventionell* first ending: plainly, both composers, in writing in the expected repeat, were simply bowing to established practice; there is no need to follow them.)

The second movement of the *Eroica*, "*Marcia funebre*," is less damaged by Giulini's tempo (58 eighth-notes to the minute, as against the 80 Beethoven demands and the 66-72 Weingartner recommends), though it does seem endless. But the scherzo is much too heavy, the syncopations again get lost, and the wonderful momentary change from 3/4 to 2/2 time is confusing and therefore ineffective. Only the finale emerges unscathed. Beethoven's 76 bars to the minute is, as Weingartner observes, an astonishingly fast tempo, appropriate only to the brief, stormy introduction. Once the theme and variations get going, Weingartner recommends 58-66, and Giulini settles in at about 60. The whole movement is played with grace and wit, and with the fine eye for instrumental detail that marks Giulini's work even at its most eccentric. The Los Angeles Philharmonic, here as throughout, is excellent.

But the Chicago Symphony is even better on Giulini's recent recording of Schubert's "Unfinished" Symphony and his Fourth or "Tragic" Symphony in C minor (Deutsche Grammophon 2531 047). More important, these performances are free of the eccentricities that mar the C-major and the *Eroica*. The opening of the "Unfinished" is powerful and brooding, with Giulini's usual painstaking attention to inner voices, and the famous cello tune is for once played lightly and gracefully, kept down to the dynamic level of its syncopated accompaniment rather than allowed to dominate. The inwardness thus attained heightens the contrast with the big

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fortissimo chords that soon follow. In the development the searching violin phrases are powerfully distended, and the return to the recapitulation is very satisfying. In short, Giulini here has a tempo that works. So does he in the second movement, which is played with great breadth and tenderness.

The performance of the less familiar Fourth Symphony is equally fine—though not as fine as the dazzling performance that Boulez broadcast (but did not record) with the Cleveland Symphony several years age. To dismiss Schubert's early symphonies, as B. H. Haggin has done, as mere "inconsequential imitations" of Mozart and Beethoven is surely much too harsh. More critically just and historically illuminating are Charles Rosen's comments in *The Classical Style*. Rosen points out that Schubert's early orchestral and chamber works are "classicizing" rather than strictly classical, written in a "late and loosely organized post-classical style, in which the melodic flow is essentially more important than the dramatic structure." In the case of such works, Rosen concludes, "the classical standards can be considered relevant, but to apply them rigorously entails a failure to appreciate many works that, while never quite making virtues of their deficiencies, have virtues of their own that more efficiently organized music can rarely achieve." Of course Schubert's early symphonies are imitative—he himself would have been the first to admit it. But they are also pure Schubert, which for me is quite enough to make them very consequential indeed. They not only tell occasionally of things to come in the late, great, truly classical works; in their sweetness and poise and sparkle, they are stamped through and through with the impress of Schubert's already unique sensibility.

I for one would much rather listen to the works of Schubert's youth than to the works of many another famous composer's maturity. Take for example Dvořák, who seems to be coming in for a run of luck lately—if the frequency with which even his slightest and most sugary chamber works are played on the Boston FM stations is anything to go by. Out of a loose mix of Schubert, Mendelssohn, and Brahms, laced with an occasional dash of Slavic (and sometimes American Negro) folk music and given body by the obligatory ounce or two of Wagner, Dvořák concocted what may certainly be called a style. One of his best works, and surely his best known, is the Symphony "From the New World," which used to be known as No. 5 but is now known as No. 9. Those who love Dvořák will want to hear two excellent recent recordings of the work, one by Giulini and the Chicago Symphony (Deutsche Grammophon 2530 881) and the other by Colin Davis and the Amsterdam Concertgebouw (Philips 9500 511); those who don't love Dvořák may nonetheless be interested in what the performances show about the differences between Giulini and Davis.

In the opening movement Davis accentuates the contrasts among sections—the tensely grave adagio introduction building mysteriously to the declamatory horn theme of the allegro exposition, which gradually subsides into the easy and gracious second group and leads on into the development, at first magically Mendelssohnian and then rather corny and mechanical, and so to the recapitulation. Giulini smooths out these contrasts: the introduction is slower and more quietly meditative, the beginning of the exposition more spacious, even the most dramatic passages of the development more lyrical—more like music being recalled from the past than experience being lived through. Similarly, in the second movement Davis gives the famous English horn solo all the relaxation it needs, but then plays the middle section with dramatic urgency, whereas Giulini, at a slower tempo, makes the English horn solo more soulful and the middle section plaintive rather than urgent. The charming little oboe solo that leads to the movement's climax, just before the return of the English horn, is gay and sprightly in Davis's version, tender in Giulini's. Neither man can quite salvage the easy sentimentality of the movement's ending, with its stuttering hesitations and weepy little passage for solo strings. In the scherzo, perhaps the best of the four movements, Davis catches the wit and gaiety of the music better than Giulini because he again brings out contrasts that Giulini slightly suppresses. But Giulini's performance, which patiently unfolds with buoyancy and easy grace, is very beautiful. And in the finale I think Giulini is even better than Davis because broader and nobler. But there is very little to choose between these two performances—though there is a good deal to be learned from them about the two musical minds that contrived them.

Where Davis is dramatic, Giulini is lyrical; where Davis is interested in contrast, Giulini is interested in continuity. Giulini's approach to music is generally gentler and more soft-edged than Davis's. The positive side of the Giulini approach emerges in the loving care with which he builds his sustained lyrical structures; the negative side emerges when he is confronted with a work like the Schubert C-major or the *Eroica* that is not only grandly extended but also famously serious and weighty: he seems to feel obliged not just to exercise his customary care but to underline the seriousness and weightiness with exaggerated care, by the excessively slow tempos and fussy ritards not present in his perfomances of less intimidating works like the two other Schubert symphonies and the Dvořák. But then, as a friend reminds me, these defects were not present in an *Eroica* that Giulini broadcast a few years ago. He and Davis are probably about equally gifted, but Davis has the centrality and reliability that Giulini (just now, anyway) occasionally lacks.

The Letters of Gustave Flaubert: 1830-1857 edited and translated by Francis Steegmuller

(Harvard University Press; $12.50)

Francis Steegmuller has done a splendid job in making this generous selection of Flaubert's letters available to American readers. His apt, admirably idiomatic translation nicely reproduces the private Flaubert's odd mixture of colloquial flippancy, aggressive obscenity, delicate lyricism, and expository vigor. The choice of letters, and of excerpts of letters, is sensible and on occasion quite shrewd, and Mr. Steegmuller's succinct notes are helpful without being officious, offering not only needed identifications but also brief citations of other letters by Flaubert and of letters and other documents by the friends with

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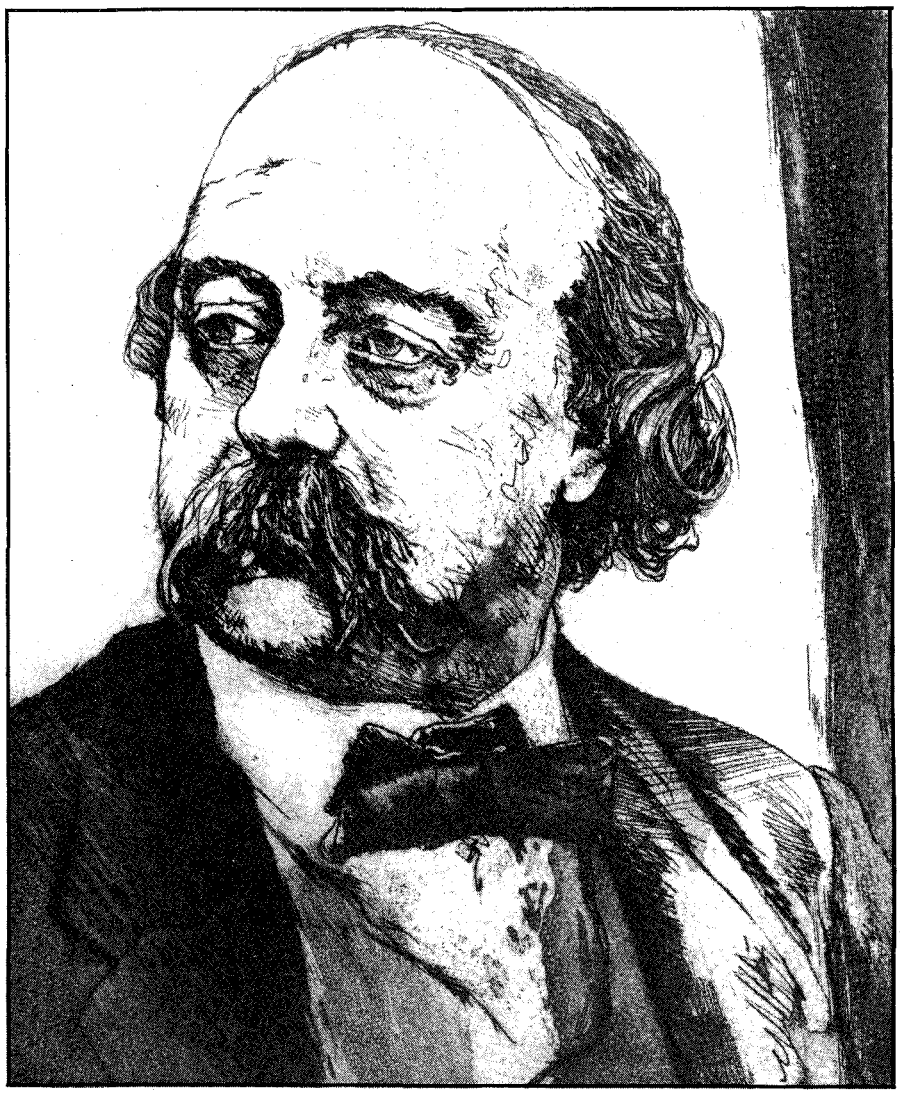
whom he corresponded. Finally, Mr. Steegmuller has provided short narrative bridges at varying intervals between one group of letters and the next, so that we know what is happening in the novelist's life in the midst of his constant correspondence. These bridges are written with eminent good sense and lucid economy; they never intrude on the letters, and they succeed in producing the effect of a continuous narrative of Flaubert's life *par lui-même* from his ninth year to his 35th, when after more than a decade of tormented struggle with his vocation as a writer he achieved both judicial vindication and critical triumph in the controversy roused by *Madame Bovary*.

Few first novels have proved to be so momentous, not only for the career of the writer but also for the evolution of the genre. During the remaining 23 years of his life, Flaubert, despite the excruciating price that the labor of composition exacted from him, would mark out in his work as different possibilities for the future of prose as *Salammbô*, the *Éducation sentimentale*, *Trois contes*, and *Bouvard et Pécuchet*; and the second volume of letters that Mr. Steegmuller has promised to cover this period should be every bit as compelling as the first.

Flaubert was a great letter-writer partly because, one suspects, for him the epistolary bond was not a by-product of more immediate relationships, as it has been for many other writers, but rather a preferred substitute for such relationships. Through the mediation of letters, the menacing impingement of other people could be warded off; personal relations could be controlled in the apt imagery and rhythmic movement of a prose happily improvised rather than painstakingly elaborated as in his novels; and the epistolary situation could provide Flaubert ample opportunity to make himself the center of discourse, the focus of experience.

These advantages for him of the connection through letters are all strikingly evident in his two rounds of extensive correspondence with Louise Colet, his intermittent Parisian mistress and the great *déversoir* (outlet, sluicegate), as he called her, for his extraordinary week-by-week revelations about the writing of *Madame Bovary*. The first flare-up of their affair in Paris during the summer of 1846 was torrid enough, but the unfortunate Louise, an erotic egotist, a rather conventional libertine, and a mediocre literary careerist, was



drawing of Gustave Flaubert by Jack Coughlin

unable to grasp that Flaubert preferred to stay home in Normandy with his *maman* because ultimately he would rather have his mistress on paper than in bed. His earliest letters to her are laced with piquant allusions to the specific sexual intimacies that the lovers had most pleasurably shared, but one begins to wonder whether the teasing pleasure of framing the allusions in a letter is not the keener one, or at least the purer one, for Flaubert. In any event, the rhapsodic compliments Louise Colet expected to receive from Flaubert in between his lamentably infrequent visits to Paris were rapidly replaced by almost daily installments of his own moral history, his views of art, history, politics, society, and the craft of writing. It is no wonder that their correspondence is marred before long by mutual recrimination, leading to a break, followed after three years by a long but precarious reconciliation that finally ended in irrevocable estrangement.

I would suggest that Flaubert resembles Kafka as a progenitor of literary modernism in his ability to draw intense energy from his own neuroses, to plumb their depths so fearlessly that he can transform them from a bizarre special case into an exemplary condition. The special-case aspect of Flaubert needs to be emphasized. Certain Marxist critics, both French and American, have seen his alienation and his private cult of art as a direct function of 19th-century social and political history, specifically linked with the abortive revolution of 1848 and the subsequent establishment of the Second Empire. Flaubert's letters demonstrate why this will not wash, for they repeatedly express a loathing of ordinary life and of normal human connections that seems far too pervasive and too primary to be the reflection of any external forces.

As early as the age of 16, Flaubert was praising Rabelais and Byron for having "written with a spirit of malice toward the human race" (an odd view of Rabelais, to say the least); and his later correspondence bristles with aggressive assertions of his hatred of life, his sense of crushing boredom and disgust with daily experience, his horror

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of intimacy and of progeny. There is something positively medieval and monastic about Flaubert's imagination, as he himself occasionally notes (these themes would be given explicit expression in *La Tentation de Saint Antoine*). In every cradle, according to his own affirmation, he sees a fore-image of the grave, in every naked woman, the macabre skeleton beneath. His teeming metaphorical imagination frequently produces strong images of revulsion from life, characteristically drawn from a scatalogical vision of sex. "Brothels provide condoms," he writes Louise Colet in 1854, "as protections against catching the pox from infected vaginas. Let us always have a vast condom within us to protect the health of our soul amid the filth into which it is plunged." Jean-Paul Sartre is surely right in arguing that so radical an emotional dysfunction must have had its origin in a primal withholding of parental or particularly maternal love that from infancy impaired Flaubert's affective life. (The first volume of *L'Idiot de la famille*, Sartre's massive study of Flaubert, will soon be issued in English by the University of Chicago Press.)

Flaubert converted the writhing discomforts of his private disorder into an exemplary condition chiefly by virtue of the fanaticism with which he clung to a vision of art as the supreme transcendence of human imperfections, the radiant realization of a happiness frustrated by other experience—a transcendence paradoxically fashioned from the thematic and mimetic materials of the imperfect human world. An adequate understanding of this process would require a detailed discussion of Flaubert's fiction against the background of his letters and notebooks, but as a provisional clue to the alchemy through which neurosis became art, let me propose a configuration of three recurrent ideas in his correspondence: prostitution, the Mediterranean, and art itself.

Like so many middle-class European schoolboys of his era, Flaubert had his first sexual experiences with prostitutes, and later, as the letters he wrote during his trip through the Near East in 1849-51 show, he would be something of a connoisseur of styles of prostitution. What is peculiar is that he should remain faithful to the idea of prostitution as a kind of first love. "Prostitution is a meeting-point," he writes—again, to Louise Colet!—"of so many elements—lechery, frustration, *total lack of any human relation*, the clink of gold—that a glance into its depths makes one giddy and teaches one all manner of things." And a moment later, he goes on to claim as one of the wonders of prostitution its power to "make you dream so of love." Every other form of sexual liaison—casual dalliance, serious affair, keeping a mistress—merely compromises the purity of prostitution in his view. All this, I hardly need to say, is bizarre, but it is also instructive. I have italicized what seems to me the key term in Flaubert's statement: the total lack of human relation. As he sees it, the prostitute offers one an experience pure in its intensity because it is an avowed *representation*, and nothing more, of a relationship ever sought after but always unrealizable elsewhere. This loveless mercenary charade of love makes one dream of love: in more personal relations, love is always a fleeting and painful illusion, always contaminated by the assertiveness of the ego and the desire for power, or diluted by other interests and desires alien to the love-bond.

What I am suggesting is that Flaubert, out of his own maimed sense of connection with the world, created a notion of art as the representation of objects—for despite the Structuralists, I am convinced he was committed to a mimetic view of art—intimated in real experience but constantly receding from our immediate embrace. Art, like the prostitute, sets us dreaming, restores to us at least in the enclosed world of our imagination what we glimpsed, tried to grasp, and inevitably lost. In this regard, it is noteworthy that Flaubert continues his meditation on prostitution by comparing the flesh-trade to vanished antiquity as a source of inspiration for poetry: "Ah, elegy-makers, it is not on ruins that you should lean, but on the breasts of these light women."

The ruins of antiquity point directly to the Mediterranean theme in Flaubert's letters. A cultural myth of the Mediterranean as a ripe, sun-drenched bourne of sensuality over against the pinched repressiveness of the life-denying north was generally current in the 19th century, and continued on into our own century in writers like Thomas Mann and D. H. Lawrence. Stendhal, for example, was much taken with this north-south opposition from boyhood onward, but the differences between his use of the myth and Flaubert's are more instructive than the similarities. Stendhal's "land where the orange-tree grows" was geographically contiguous and contemporaneous with his native France. It was, in short, an actual Italy to which he could physically transplant himself and where he managed to spend

WHILE READING JOHN CLARE AT THE SUMMER HOUSE

John Clare was mad. Unlike the boy
from our Pine Tree Neighborhood
who lives with a bear, he was "allowed
to be mad," & treated for it

like a gentleman from the city. The flowering
cheek-cheek of the natural
dying world, fruiting & freezing
in a constant change of heart

is, granted, enough to drive anyone crazy.
When the skittish finch or thrush—
I never found out which—
stared, from the uterine sac of her nest, up

into my moonsized face, & didn't start, but turned
to feed the hopelessly insatiable
who didn't even look like her, or the feathers
woven & torn from her breast—

I was glad. A fellow-feeling, mindless
as the love of Alvin
for his bear, & the Pine Tree Neighborhood,
joined us, & shocked me into favor with the world.

Joyce Peseroff

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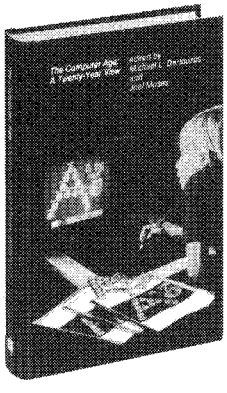
half his adult life. Stendhal shared Flaubert's contempt for French bourgeois values, but at least for a time in Milan he was able to find another real social system and cultural tradition that fostered the qualities of reverence for beauty, passionate intensity, spontaneity, and daring that he felt were denied by the French. In Flaubert, on the other hand, the southern locus of happiness undergoes both a spatial and a temporal displacement. The "perfumed shores and blue seas" he dreams of variously slip from Italy to Carthage to Greece to the Near East or, occasionally, all the way to China. And repeatedly, it is the *ancient* Mediterranean world that lures him—Carthage, not North Africa, Luxor and Memphis, not Cairo. His secret self-image as a Northern European is an identification with Alaric's hordes, who sacked Rome in a violent, unrequited yearning for everything the Italian world represented:

> Deep in my soul is the Northern fog that I breathed at my birth. I carry within me the melancholy of the barbarians, with their instinct for migration and their innate disgust for life—which made them leave their own country as though by so doing they could take leave of themselves. They loved the sun, all those barbarians who went to Italy to die; they had a frenzied longing for light, for blue skies, for a warm, vibrant existence. They dreamed of joyful days, full of love, love that would be to the heart what the juice of ripe grapes is to the hand that squeezes them.

Ancient Rome sets Flaubert dreaming of a beautiful and impossible love, just as he claims that prostitution does. But the imagined longing that he relives in his letter is elegiac in a rather peculiar way, for it is characterized by frenzy, directed toward a metaphor of love (the crushing of ripe grapes) that joins sensuality with a suggestion of violent constriction, of destruction. What the supreme achievements of art, then, can do for Flaubert is to give so perfect a body to this longing or, especially in the plastic arts, to its objects that the violence is at once incorporated and transcended, anguished kinesis transformed into the beautiful stasis of undying artifice. Among the most moving passages in his correspondence are the moments when he stands, literally or imaginatively, in the presence of great art-works. At these moments, the walls of the self's terrible prison-house collapse; the Flaubertian sensualism does not disappear, but it is joined with an attitude of genuine reverence. Thus, during his Mediterranean trip, Flaubert discovers on the Acropolis a bas-relief fragment of a woman's torso: little more than the breasts remain, one draped, the other exposed.

> What a breast! It is apple-round, full, abundant, widely spaced from the other: you can feel the weight of it in your hand. Its fecund maternity and its love-sweetness make you swoon. The rain and sun have turned the white marble to yellow, a tawny color, almost like flesh. It is so calm, so noble! It seems about to swell; one feels the lungs beneath it are about to expand and breathe. How well it wore its sheer pleated drapery! How one would have rolled on it, weeping! How one would have fallen on one's knees before it, hands joined!

In ordinary experience, desire was always ambiguous for Flaubert, proffering gratifications entangled with disappointment, threatening to draw him into an intimacy he feared. Eros displaced onto the art-object—flesh become stone become, paradoxically, fleshlike once again in time's slow solvent—loses none of its intensity but is graced with a quality of noble calm: in the same breath, Flaubert spins out a fantasy of ecstatically possessing the female figure and kneeling in prayer before it. Two years later, as he was laboring over *Madame Bovary*, he would note that the most beautiful works of art "are serene in aspect, inscrutable," their purpose being "not to make us laugh or cry, not to arouse our lust or rage,



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but . . . to set us dreaming." Eliciting dreams, of course, is what he imagined the prostitute doing for her client, Rome for the northern barbarians. His notion of dreaming, however, was not a soft Romantic one, not an escapist vision of private rhapsody. For Flaubert, art's dream was of eternal, infinite things that tried the mettle of the imagination bold enough to confront them, strong enough to see unflinchingly man's place in existence. The greatest artists, he goes on to say with italic emphasis in this same letter, are *pitiless*. He had spoken of looking into vertiginous depths in prostitution. Now he observes of art that "through small apertures we glimpse abysses whose sombre depths turn us faint. It is like the brilliance of light, the smile of the sun; and it is calm, calm and strong."

Art, then, is liberating—images of opening horizons frequently accompany Flaubert's statements on the subject—because it is the one true fulfillment of man's unique nature as a conscious user of languages, verbal, visual, and musical. Through art man gives enduring shape to his own experience and by so doing is able to illuminate its deepest, most hidden aspects. This fundamentally religious view of art explains the famous mystique of perfect prose that Flaubert came to affirm in his letters as he was writing *Madame Bovary*. He had an almost messianic belief that his enterprise stood at the very beginning of a new epoch in literary culture. Poetry had had its day; the era of prose had just begun; and the new shape of prose as high art might be invented in another 10 years, or perhaps in another 10 centuries.

Flaubert's aspiration for prose was not just, as is often said, that it should give the perfectly right word for every referent, but that like the achievements of the Parthenon, of Homer, Michelangelo, Shakespeare, and Goethe, it should become a vehicle for taking us out of ourselves. And so he dreams of "a style . . . that would be rhythmic as verse, precise as the language of the sciences, undulant, deep-voiced as a cello, tipped with flame." It is, of course, a mystic ideal impossible to realize, but the distant approximations of it Flaubert achieved through such relentless devotion would permanently refine and expand the possibilities of Western literary consciousness.

Robert Alter

Robert Alter is professor of comparative literature at Berkeley and author of *A Lion for Love: A Critical Biography of Stendhal* (Basic), which was nominated for the National Book Critics Circle award for criticism in 1979.

The Brethren
by Bob Woodward and Scott Armstrong
(Simon and Schuster; $13.95)

In the soap-opera Supreme Court of *The Brethren* Justices are frequently "angry," "distressed," "suspicious," "furious," "horrified," "mortified," "dumbfounded," or even "paranoid." Only rarely are they "in a good mood." This is not surprising since they are surrounded by stiletto-wielding colleagues scrabbling for majorities like real-estate sharks putting together a syndicate. They are all moved by violent urges to preserve or enlarge their power or by fearful anxieties that they may lose influence or appear stupid.

> For the Chief the battle was over and lost. He had maintained his poise, but when one of his clerks came in, he could hold it no longer. What had happened? he asked stalking about his office. Just what the hell was going on? A major defeat on a major case and to Potter Stewart of all people.

This breathless style, in the manner of a poorly written adventure story for children or (much the same thing) a Leon Uris novel, lards much of this trivial, vulgar, and stupid book. To a considerable naiveté about the law and the judicial process, the authors add a monumental coarseness of understanding and sensibility. Along with these qualifications goes a colossal chutzpah in asking us to take on trust their undisclosed but "impeccable" sources for a mass of scurrilous stories and their mysterious knowledge of people's moods and thoughts when alone. In fact there is no good reason to believe any of this unauthenticated gossip and novelettish attribution.

Modern journalistic debunking, which is connected with muckraking though is not quite the same, probably started with Lytton Strachey's *Eminent Victorians*, and a very profitable line it has proved to be. It does have its healthy aspects. Institutions and persons (even if they are personages) should not be enshrined and it is currently as well as historically important to have a sense of how individual humanity infuses and shapes a process. But if this kind of writing is to be more than just titillating, it must rest on a solid understanding of the process itself, and this is what this book so conspicuously and lamentably lacks.

Consider the nature of that judicial process which is avowedly the subject of this book. Suppose we had a system where disputes were investigated by officials who submitted a report to judges who would then render a summary decision without any opinion. This might function after a fashion but it would violate principles of fairness because of the absence of a public statement of reasons visibly linking the judgment with rules and principles of the system. Expressed, reasoned justification of decisions is essential to the struggle for justice, for it is very difficult to be arbitrary or unfair when rulings must be defended, subject to the critical disagreement of colleagues, the profession, and the public. In this way the concept of public justice depends on three elements: the existence of a body of rules and principles (found in the law, the Constitution, and public morality), the opportunity for both sides to present arguments about their case, and the final obligation of a court to decide responsively by reasoned reference to the rules and principles.

When the system is working in this way, the profession and the public are presented with a published product which, with a multi-judge court, may include dissents and special concurrences—where a judge joins in the outcome for different reasons from those expressed in the opinion of the court. These opinions are not just long-winded ways of recording an affirmative or negative vote. While the ruling in the case is binding on the parties and the country as a whole, the opinions of the judges (including dissents) should be

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viewed as invitations. Opinions speak to a court's different audiences (the parties, the profession, and the public at large) and look to the past and the future. They invite us to view the past in a certain light and to shape the future accordingly. They add deposits to a lode that may be mined repeatedly, so that today's dissent may furnish support for tomorrow's precedent.

Reasoned decisions of this kind do not spring out fully fashioned even for one judge sitting alone. They are, or should be, the product of learning, reflection, and consultation. For our nine-person Supreme Court, with its pivotal role in the political system, the process is vastly more complicated than in a single-judge court. To understand this we might begin by imagining a Court in which, without conference or consultation or the exchange of drafts, each Justice went into isolation after the argument and wrote his own final opinion. Under this procedure a majority line of reasoning would emerge only occasionally and by accident and no broad trail of principled understanding of the Constitution would be possible.

This would be intolerable. For the American system of judicial review to work well, indeed, to be acceptable to the public, it is essential that dissents and special concurrences be subordinate to a body of opinions of the Court that officials, the profession, and the public can look to for clear guidance. Such a body of opinions can only be achieved by patient, often exhausting, exchanges among the Justices and their staffs in an effort to find a principled position to which a majority can adhere. There are some ways in which it would not be too fanciful to compare this duty with that of a jury—an obligation to reason together, not to abandon a conscientious position but to have an open mind and accept the possibility of being persuaded. There is a vital institutional duty for the Court to proceed in this way.

Comprehension of this duty is shatteringly absent in Woodward's and Armstrong's book. Efforts by Justices to put together a majority are recounted as having significance mostly for the images and egos of the individuals involved. The authors seem unable to conceive of disagreements in the judging process as anything but political in the coarsest sense. The positions of different Justices are often contrasted with no more discrimination than to say that one is "liberal" and the other "conservative" and the authors' favorite term to describe two Justices conferring is to say that the one was "lobbying" the other. A day at the Court is depicted like one of the less edifying sessions at Tammany Hall.

To reject the poverty of this description does not commit us to the view that the Justices are rarified creatures whose priestly vocation allows them to shed the animosities and crudities of ordinary people. Lawyers practicing in appellate courts have never doubted that Justice A sometimes has bitter feelings toward Justice B or that Justice C is lazy or that Justice D uses coarse language. This is no doubt also true of poets, priests, presidents, and prophets. The point is that such personal traits and personality clashes are important only when they throw light on important public acts. Even then their significance is usually limited. It might be interesting (say) to speculate on the relevance of Justice Black's Alabama origins to his positions on certain constitutional questions, though this would not affect the strength or weakness of the reasoning he published in defense of those positions in his opinions. In the same way it may be worth knowing that Martin Luther's theology owed something to his scatological obsessions, though again this hardly disposes of its intellectual force. But Woodward and Armstrong make no serious attempt to provide such psychosocial studies of individual Justices or their interaction on the Court. Their book is a long gossip column devoid of any verification. (Imagine a book by them about Luther. "Martin Luther was mortified as he sat in the privy.")

Instances of the authors' incomprehension or infantilism are thickly scattered. The opinions of Mr. Justice Harlan, the most elegant and flashing stylist on the Court in a generation, are described as "gray in style, tone and result." As to one case before the Court the authors tell us with their usual mind-piercing second sight that: "Burger knew exactly what he wanted. If the opinion was to be unanimous the important thing would be the wording." What can we expect of writers who solemnly tell us that the wording would be important in a legal opinion? Perhaps their next *aperçu* will be that the wording is important in a poem. In fact the childlike nature of this statement is deeply indicative of their attitude to the judgmental process. As this casually dropped remark indicates, what goes on in the Supreme Court of this book is an intuitive, or emotional, or political jump

Lady of Hope, evil whore, revolutionary—

which was the "real" Eva Perón? Taylor explores the conflicting myths about the former First Lady of Argentina that reflect the basic split in that country between city and coastal dwellers and people of the rural areas, showing how a complex society responds to a politically powerful woman.

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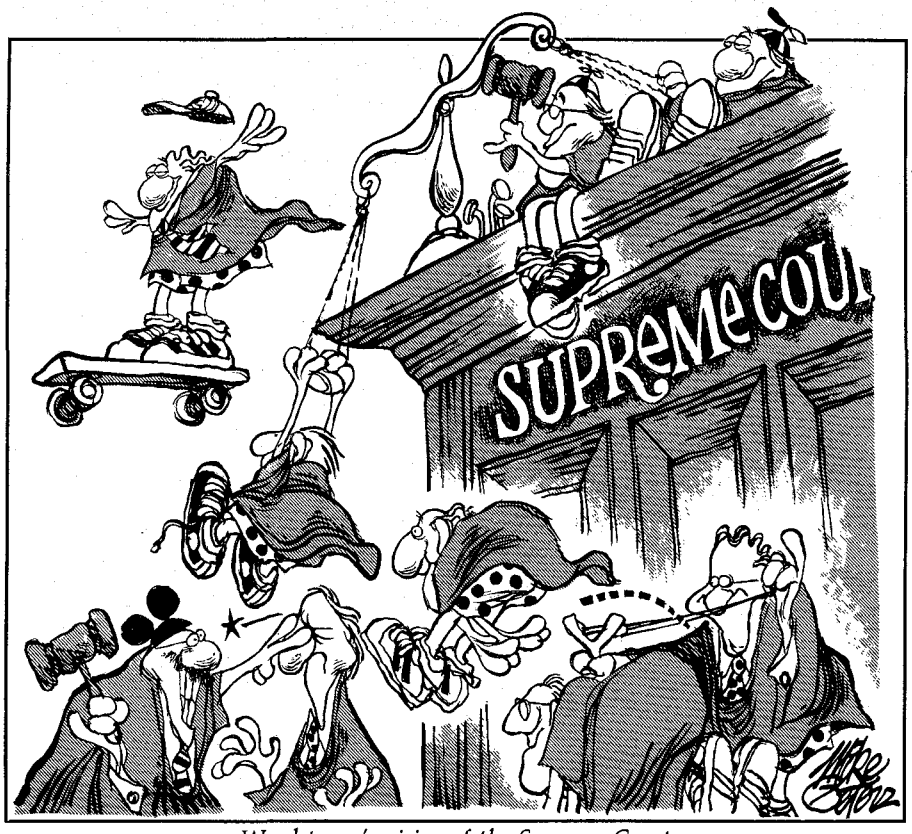

drawing by Mike Peters

Woodstrong's vision of the Supreme Court

to judgment. The "wording" is a necessary ritual of dressing up which may be useful in attracting colleagues who might otherwise support or defect to another group, thus threatening the writer's status and necessitating frantic "lobbying." When a new Justice is appointed to fill a vacancy on the Court rival factions eye him greedily like contending inmate groups vying for the right to gang rape a comely new prisoner.

Things don't always work out, though, as they ought. Blackmun, feared to be the Chief Justice's stooge and known at first as "hip-Pocket Harry," turns out to be surprisingly independent, to the glee of the "liberals." Sticking close to their dimly felt though never expressly stated psychosocial jurisprudence, the authors have an explanation for this. It's because Blackmun, though coming from the same city and social level as the Chief Justice, had a very different legal education and experience in practice. But this leads to a difficulty in the continuity of the narrative. For, having told us what great chums the Chief and Blackmun were, the authors' only recourse, when confronted with Blackmun's disagreement with Burger in cases of importance, is to go into an astonishing volte-face and suddenly pronounce (with their usual ex cathedra omniscience) that "Blackmun had long thought Burger an uncontrollable, blustering braggart." Unexpected, unexplained, and buffetingly vicious blasts of this sort are rife and are preferred to the apparently never addressed possibility that Mr. Justice Blackmun took a different view of the law from that taken by the Chief Justice.

Indeed, the law is not an important character in this book. The authors are uncomfortable dealing with it, as if they were writing about Picasso but knew nothing about painting. From time to time they do talk about "technicalities" and "niceties," though it isn't clear what they are contrasting them with. Muhammad Ali was vindicated, they say, on a technicality and the Chief Justice doesn't like arguing "legal niceties." These remarks hint mysteriously at some distinction between technical and non-technical law, or aspects of law that do not descend into niceties as opposed to the less interesting part that does. While recourse to niceties and technicalities is not flatly condemned by the authors, they do convey the impression that it is a cop-out and not as worthy of respect as deciding cases on the basis of non-technical considerations. If such a distinction could be given clear meaning, it would seem to be of great jurisprudential importance but nowhere in this book that purports to be about the Supreme Court's judging process is there a hint of how it might be drawn.

There is a very good reason for this. The implicit distinction is absurd and dangerous, though the authors are much too unperceptive to know this. The business of law is to be technical, not in order to preserve the arcane quality of a priestly cult or the status of a craft guild, but because the questions of social morality that are governed by a Constitution are infinitely intricate and cannot be addressed without subtlety, which over time has become embodied in reasoning and distinctions that must be "technical." "Technical" is not connected with trivial, or pompous, or obfuscating, as the authors seem to think. "Technical" is connected with complicated and puzzling, and the questions presented to courts are complicated and puzzling, so we should not expect easy ways of responding. Indeed, when a response is simple and non-technical it is likely to be flawed, if not quite wrong, and certainly will not contain the material necessary for future progress that the Court has a duty to stockpile.

The abortion case of *Roe v. Wade* is as good a one as any to see the authors going wrong. Describing Mr. Justice Powell's alleged response to the case they write:

> Powell came quickly to the conclusion that the Constitution did not provide meaningful guidance. . . . If there was no way to find an answer in the Constitution, Powell felt he would just have to vote his 'gut.'

One can only hope that Mr. Justice Powell felt no such thing, for this view of judging is like a four-year-old's description of how a jet engine works. It contemplates a procedure by which a judge riffs through the Constitution, as one might through an encyclopedia, and then, if he comes up dry, relies on his abdominal responses. This would be a perfect example of what was once derisively called "digestive jurisprudence" in mockery of those who seemed to suggest that the best explanation of a judicial decision might reside in what the judge had for breakfast. Woodward and Armstrong, though they don't know it, clearly belong to the school of digestive jurisprudence.

In truth the framework of the abortion case was very different. In the absence of a constitutionally conferred right in the mother to claim an abortion, a state clearly had power to make the act of obtaining one criminal. Failure to identify and convincingly explicate a constitutional right to claim an abortion must therefore lead to upholding the state statute and not to consulting one's stomach rumblings. Even if a con-

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stitutional right on the part of the mother could be located, a state, under well-established precedents, could still override it if it could demonstrate a compelling state interest. There were several possible concepts of such an interest, one of which might involve the argument that a fetus has sufficient attributes of personality or personhood to support a constitutional claim for protection from a medical procedure that would terminate its existence. To suggest that these questions can properly be decided by an intuitive or emotional leap is almost as silly as the authors' other attribution (to Justice Blackmun) of the view that whether abortion should be legalized or not is a purely medical question.

Embarrassingly bad as this book is in its treatment of the law and the judicial process, there is a final sense in which it is unethical. The authors have little real dirt to disclose. Perhaps perturbed by this absence of muck to rake, they have hit upon another way to make headlines and sell their book. This is through the systematic vilification of the Chief Justice that emerges as the real theme of the book. Chief Justice Burger is portrayed as an incompetent, saying things that "a third year law student should know" were wrong, doing work that is "sloppy and ungrammatical," even "appalling," drafting opinions that are "unbelievable," and insulting and horrifying his colleagues, some of whom despise him. Things get so bad that in the end the great debate among the clerks is whether the Chief is evil or stupid.

There is a real question as to whether this kind of writing is acceptable for any purpose. Gossip writers should have the courage to back what they say, either by claiming to have observed or heard something or by naming sources with whom the matter can be checked. The authors' pious response that the public has a right to know even things as to which sources cannot be divulged is not convincing. The Chief Justice's opinions are published in the Law Reports and there is a perfectly adequate public record on which an evaluation of his judicial qualities may be formed. Nothing is added to our store of knowledge by tales that have no verification other than the pleas of authors that we should trust them. Since they are acting to fatten their bank accounts, since some of their stories seem inherently incredible, since they understand little of the process they purport to describe, since initial investigations cast doubt on their methods (see Anthony Lewis's review in the *New York Review of Books*), there is no good reason to believe any single item they offer. This is the vice of books of this kind, for while it is unlikely that the authors just sat at home making up a pack of lies, still there is no reason to believe any particular item. Thus the book is in the end worthless as social history, untrustworthy as gossip, and, as we have seen, childlike in its approach to the judicial process. Its success is a true *succès de scandale* for it only debases America's finest institution.

Graham Hughes

Graham Hughes is professor of law at New York University, and author of *The Conscience of the Courts* (Anchor Press: Doubleday).

The History of the Idea of Progress by Robert Nisbet

(Basic; $16.95)

Like justice, freedom, liberty, or even property, progress is an extremely versatile word, chameleon-like in its capacity to camouflage. After all we speak of a sick person making progress, even of someone who has been mutilated in an accident, although the result may be in marked contrast with what went before—a weakened or a crippled person contrasted with a healthy one. A child may make progress at school and yet a teacher might be most reluctant to forecast a life of steady progress in a chosen career. An athlete may make progress but quickly reach a barrier which he cannot break. The devoutly religious may make moral progress yet fall into mortal sin. These concepts—obvious and commonplace as they are—have considerable relevance for this new book of Robert Nisbet's.

His concern is to trace the idea that history is progressive, that the story of mankind is one of betterment. He believes that a great deal of the accepted wisdom about this idea is wrong—i.e. that the ancient philosophers believed in the cyclical nature of human life; that death and decay and destruction were as inherent in society's as in a person's life. On the contrary, he believes that many philosophers believed the opposite. He would argue, too, that the idea was not foreign to the Middle Ages in the Western world. For Robert Nisbet the idea of progress is an inherent part of the Western tradition that stretches back to Hesiod.

Robert Nisbet is a scholar of very wide and precise scholarship; he is a political philosopher with a most acute analytical mind. He has never been hoodwinked by conventional ideas either of scholars or philosophers. Hence his work must be taken very seriously; it also can be taken with pleasure, for Robert Nisbet's pen is as lively as his mind. And he has certainly written one of the most stimulating works on the idea of progress since J. B. Bury's great book.

Robert Nisbet, of course, realizes the complex nature of the idea of progress but he defines it succinctly: "the idea of progress holds that mankind has advanced in the past—from some aboriginal condition of primitiveness, barbarism or even nullity—is now advancing and will continue to advance through the foreseeable future." From this derive two propositions: one that there has been a steady and cumulative improvement in knowledge as embodied in the arts and sciences, and the other that there has been a spiritual and moral improvement, an ever greater perfection of human nature. He realizes, of course, that the first proposition is both easier to prove and to accept and that the latter has been more subject to criticism and less universally believed.

After defining his ideas, he proceeds to his history from Hesiod to the volcanic rhetoric of George Steiner, and all the great philosophers are there: Protagoras, Plato, Aristotle, Lucretius, Seneca, St. Augustine, Otto of Freising, Joachim of Flora. The Renaissance provides an ebb tide, but the concept is given redoubled impetus by Jean Bodin, and Nisbet then moves quickly into the Scientific Revolution, the Enlightenment, and the 19th century, the traditional epochs for the flowering of the idea of human progress—although some of the flowers were definitely evil,

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such as Gobineau's belief in racial progress which gave the palm to the German race, although British and American philosophers and historians were doing much the same with their concept of Manifest Destiny but with less éclat.

In so vast a discussion it would be easy to cross swords with Nisbet in the hope of winning a point or two—for example, the fact that the Fifth Monarchy Men were millenarianists, that they expected society to be changed for the better, scarcely makes them firm believers in the idea of progress; if it does, the concept becomes a ragbag of an idea. It could embrace the concept of conversion: Saul made progress en route to Tarsus. The coming of a millennium, religious conversions, are acts of God, not of man. Although there are a number of places where one could pick at Nisbet's narrative of philosophy, it is pointless to do so. Most of his exposition is admirable and extremely enriching. There are, however, more fundamental criticisms toward which the first paragraph of this review points.

There is no doubt that Hesiod, Protagoras, Plato, and other great philosophers realized that there had been social development in Greece from more barbaric and primitive societies. Yet the major leaps forward—the control of fire, the discovery of arts and crafts, particularly metal-working—were due not to man but to intervention of the gods, or Titans, Prometheus and Hephaestus; and so it was argued the gods might intervene in the future for the betterment of mankind. However, progress for some Greek writers, it seems, required a *deus ex machina*. Secondly, Nisbet's treatment of St. Augustine loses, I think, a certain candor in order to make this fit into the projected history of this idea from the Greeks to the 19th century. Certainly St. Augustine believed in the developmental nature of human society, but the image that he used, as indeed Nisbet points out, was physiological—from *infantia* to not only *senior aetas* but also to *senectus*. Hence decay and enfeeblement were an essential part of human society; the ages of mankind depended also not on man but upon God. Indeed God is the prime motive force of St. Augustine's concept of human destiny in time—His will in all things is final, not man's intelligence or capacities. The danger of Nisbet's approach is to extrapolate remarks of St. Augustine on history and the process of time from the matrix of his theology. His historical concepts, his view of man's past, present, and future destiny are components of that theology. That some men were capable of betterment in a secular as well as a spiritual sense should also be offset by St. Augustine's firm belief that some societies and multitudes of men and women were not, and were doomed to destruction and everlasting hell-fire. It is not only with St. Augustine that by tearing some concepts from their ideological matrix a distortion is created; it occurs elsewhere in the book. This is, of course, a pitfall almost impossible to avoid in a book that covers so many centuries, so many different worlds of thought and feeling.

There is, I think, a larger criticism. Voices were raised against slavery from the ancient times onward with little or no social effect. Suddenly in the second half of the 18th century in England, they began to acquire an unstoppable social force that finally ended with the abolition of slavery. Why that happened is much more important than the narrative history of anti-slavery ideas of philosophers and theologians. Similarly the idea of progress acquired little or no social force (if you exclude millenarianism as I certainly would) until the 18th and 19th centuries. And why it did so is not discussed by Nisbet.

Why ideas become social attitudes is one of the great problems for historians of thought and culture. And so is the negative of that statement. Why do ideas cease to remain social attitudes? Nisbet stresses that the advanced, industrial Western world (non-Marxist) is turning, indeed has almost turned, away from the idea of progress as an historical force; but he offers little explanation. Of course it is a complex subject but one factor is important: material progress. The idea of progress was at its most powerful when the vast material progress of man appeared to be achievable in the foreseeable future, but the advanced industrial societies of the West have achieved that material progress. There are great inequalities, but the mass of Western mankind has almost all it wants and needs, particularly in America where history as a subject is dying as quickly as the idea of unstoppable and unending progress. Belief in progress is more of a social attitude in Cuba or West Africa and the world's depressed nations.

In spite of two major faults—the almost alarming elasticity of the concept of progress in Nisbet's hands and his lack of interest in the varying social reactions to the idea—this remains a very impressive book. It seems churlish to criticize so admirable an achievement.

J. H. Plumb

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Education and the Democratic Ideal
by Steven M. Cahn
(Nelson-Hall; $13.95, $7.95 paper)

In education, as in many other fields, the past 15 years have seen once self-evident truths rudely discarded. Confusion has been commonplace, not only about the means and ends of schooling but about its very legitimacy. In this period every imaginable criticism of schooling has been expressed. School reformers excoriated teachers, the curriculum, competition, grades, testing, among other aspects of the existing system; those who despaired of school reform opened "freedom" schools to pursue their own experimental programs, while some critics, among them Ivan Illich and John Holt, rejected the institution of schooling itself.

Even as school enrollments grew to unprecedented levels, the climate within schools began to reflect the attacks of the critics, both in changing school practices and in the plummeting morale of teachers. As the authority of the teacher eroded, the sense of discipline—moral and intellectual—that is part of a positive school climate deteriorated; as the authority of the curriculum declined, agreement evaporated on what to teach and in what sequence.

A blue-ribbon panel investigating the steady drop in SAT scores since 1964 identified several significant school changes during this period: many schools abandoned minimum course re-

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quirements and permitted a proliferation of electives, particularly in the language and literature curricula; grade inflation and automatic promotion from year to year became widespread; foreign language enrollments dropped; homework was assigned less frequently; the reading level in textbooks was reduced (11th-grade textbooks, for example, were found to be written at 9th- to 10th-grade level). Along with an overall lowering of academic standards and expectations, the panel found "that less thoughtful and critical reading is now being demanded and done, and that careful writing has apparently about gone out of style."

Books that suggest a way out of the educational morass have been few and shrill. For this reason, it is refreshing to encounter Steven M. Cahn's *Education and the Democratic Ideal*, a book firmly rooted in the best traditions of American education. A Columbia-trained philosopher who identifies himself with the educational thought of John Dewey and Sidney Hook, Cahn tries to demonstrate how freedom, individuality, and equality can be reconciled with discipline, authority, and excellence. Simply and eloquently, without resorting to pedagogical jargon, he explains what schools and teachers should accomplish by answering three central questions: Who should be educated? What should they be taught? How should they be taught? Although concerned specifically with higher education, most of his thinking applies equally to other levels of education.

Because ours is a democratic society in which everyone has both the right and the duty to participate, says Cahn, *everyone* must be educated. The content of a democratic education is defined by the citizen's need to understand complicated public issues. The citizen in a democratic society must know how to read, write, and speak effectively in order to communicate with others. He must have knowledge of world history and national history, of natural science and the social sciences, of mathematics, literature, and foreign languages. He must learn to think critically and to recognize fallacious reasoning. His education must include sensitivity to aesthetic experience in order to enhance the quality of his life and imagination. These are the indispensable ingredients of a liberal education, Cahn maintains, and their inclusion should not be left to chance or choice.

Why should anyone have to contend on behalf of such commonsense claims in 1980? The answer lies in the widespread confusion that has afflicted educational institutions in recent years. Many high schools and colleges have abandoned education requirements because of uncertainty about what should be learned and who should determine educational priorities. The proportion of colleges that require a foreign language for admission, for example, has dropped precipitously since 1966 (from 34 percent to 8 percent), and foreign language enrollments have declined as well. Whether a student is liberally educated or has merely passed through a delicatessen-array of exotic courses is all too often a matter of happenstance.

If one takes the idea of democracy seriously, two very different approaches to education are suggested. One is that students should choose for themselves what they want to learn, in what sequence and by what standards (if any). The other way, which Cahn prefers, is to insist that a democratic education requires a common foundation of learning for everyone.

Each approach has its drawback. When students have unlimited choices, an invidious kind of educational tracking emerges. The best students tend to select the rigorous courses they need to enter the best colleges, while the less motivated students tend to gravitate toward less demanding courses. In the name of free choice, the academic elite receives the benefits of a liberal education, while the mass of students finds it possible to avoid foreign language, history, sciences, and other "hard" subjects. While it is popular with students for obvious reasons, this version of "democratic" education has distinctly anti-democratic implications.

But is it democratic to require students to take courses against their will? Suppose some students don't want to study science or mathematics or European history? Since our society presumes to require its citizens to do many things whether they wish to or not (to pay taxes, stop at traffic lights, scoop after one's dog, etc.), the consistency between requirements and a democratic society scarcely seems worth debating.

Cahn provides a useful critique of the educational excesses of the 1960s and raises the question of why so many of them have persisted. Many practices that have been institutionalized in recent years reflect the faculty's refusal to set standards or to judge the quality of student work. Grade inflation is one widespread example of unwillingness to distinguish between good work and bad work. Many professors have abandoned

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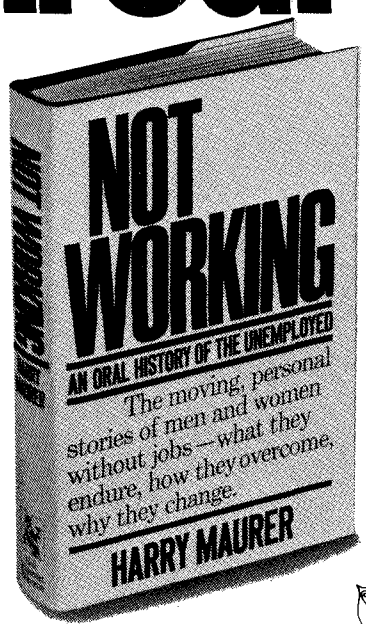
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examinations, except the "take-home" variety, and are willing to permit indefinite delays of a year or more for term papers. Sometimes it seems, as Cahn notes, as if a college degree is purchased rather than earned.

Students may enjoy this suspension of judgment by faculty, but they also know that there is a difference between excellence and mediocrity. When challenged to do their best, they try harder and get a keener sense of accomplishment. Effort matters to the product, and incentives help produce effort. The student who doesn't study has as much chance of achieving distinction as the athlete who doesn't practice.

The particular value of *Education and the Democratic Ideal* is that it provides a sound basis for thinking about our present educational purposes and practices. We have expanded schooling to include almost everyone, while at the same time we have lost our vision of why we wanted everyone to go to school. Some people believe that it was just to keep adolescents off the street or out of the job market. Cahn would disagree. He believes that schools should educate people. His vision of what education ought to be in a democratic society will doubtless strike some readers as hopelessly old-fashioned. Others may object that it would be impossible to retrain teachers and principals to believe that every student should learn history, science, literature, mathematics, and the other subjects that make a person educated. (Some educators actually believe that television has made print literacy obsolete.) Yet, despite the objections, the question remains whether we can fulfill the promise of our democratic ideals if we are not also willing to educate everyone to participate fully in the life of our society.

Diane Ravitch

Diane Ravitch is an historian of education at Teachers College, Columbia University.

Truth in History
by Oscar Handlin
(Harvard University Press; $17.50)

Uprooted Americans: Essays to Honor Oscar Handlin
edited by Richard L. Bushman, Neil Harris, David Rothman, Barbara Miller Solomon and Stephan Thernstrom
(Little, Brown; $15)

By any standard Oscar Handlin ranks among the most influential historians of the American past. His writings on immigration and the role of government in the economy transformed the study of those fields and defined issues and problems that still deserve consideration three and four decades later. In *The Uprooted* and *Chance and Destiny in American History* he showed how an historian could write for a broader public without compromising his obligation to do justice to the complexity of the past. This fall marks the beginning of his fifth decade as a member of the faculty at Harvard. There he attracted the most remarkable group of students any mentor of American history has ever produced, as the festschrift *Uprooted Americans* makes clear. The contributors to this volume are impressive enough: Richard Bushman, Barbara M. Solomon, Rowland Berthoff, John Demos, Anne Firor Scott, William McLoughlin, Paul Goodman, Neil Harris, William Taylor, Arthur Mann, and Moses Rischin. But equally if not more impressive is the list of his students who are *not* represented: Bernard Bailyn, Morton Keller, David Brody, Sam Bass Warner Jr., Robert D. Cross, Nathan Huggins, Robert Fogelman, David Rothman, and Stephan Thernstrom, among others. Nor do even these names prove adequate, for others who were not formally his students, such as Samuel Hays, Akira Iriye, and Pauline Maier, nevertheless were shaped by his teaching, and so, too, were many of those trained by Handlin's students.

Yet the nature of his influence as both scholar and teacher remains elusive. In his writing, Handlin mastered an economy of expression that enabled him to reduce seemingly complex issues to simple questions, but then to develop answers so finely balanced in judgment and intricate in perception as to defy easy summary. As a teacher, he sought to create no school of disciples. His students remember him less for what he said than for how he listened.

Like most such honorary volumes, *Uprooted Americans* is difficult to discuss. Its contents range in time from Demos on early New England witchcraft to Mann on Israel Zangwill's invocation of the melting-pot metaphor, and in approach from Taylor's discussion of early urban photography to Goodman's analysis of 19th-century Massachusetts politics. Although several of these essays illustrate themes central to Handlin's work, their diversity is more striking.

Truth in History, however, does provide the most complete statement of Handlin's approach that we can hope to get. In these essays, written over many years but here reworked into a remarkably unified whole, Handlin examines the limits and possibilities of historical thought. The book's major theme is characteristically simple: how can historians make sense of the evidence that constitutes their sole legitimate access to the events of the past?

Truth in History also has another theme, however. The book begins with the disquieting reproach Handlin delivered to his colleagues in 1970: "Had I known then [1936] what I know now, I might well have chosen a different line of endeavor." It ends by evoking an image of a medieval clerk, "retiring from an alien world to a hidden monastic refuge," as the model that contemporary scholars would do best to ponder. In between Handlin offers an account—or better, an indictment—of history as "a discipline in crisis," unable to understand, much less sustain, the integrity of its calling. Of the many failings that trouble Handlin, one seems paramount: an intellectual atomism that has left each historian to tend his own plot, either incapable of making the connections across fields, centuries, and boundaries that marked Handlin's most exciting work, or at best aware that only a narrow circle of readers will pay serious attention to one's offerings. It is

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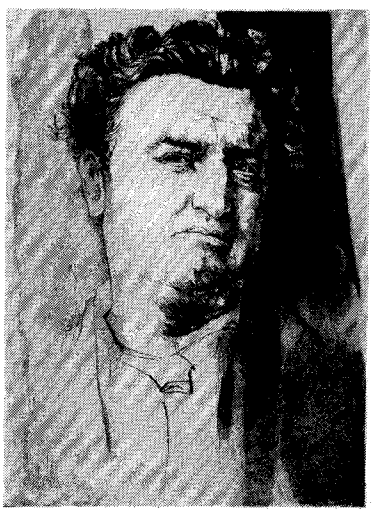

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in this sense, I think, that Handlin might well argue that, whatever his reputation, he has no *influence* to speak of.

Handlin's fascination with the past began with childhood reading, and he was unusually precocious. He was six when he began reading his way through the libraries of New York, eight when he knew he would be an historian. He had just turned 19 when in 1934 he began graduate studies at Harvard, where reportedly he took no notes in class and argued over everything. He became an instructor there in 1939 and published *Boston's Immigrants* two years later. The wonder may well be that his first book had taken him so long. But Handlin was only warming up. *Commonwealth*, a landmark study of American political economy written in collaboration with his late wife, Mary Flug Handlin, appeared in 1947, and *The Uprooted*, his most celebrated book, was published in 1951. By then he was all of 36.

Defying the accepted notion that historians need aging before they do their best work, these three books established Handlin's reputation for originality of thought and subtlety of exposition. *Boston's Immigrants* was the first historical study that sought both to reconstruct the ordinary experiences of masses of immigrants and to show how their presence challenged and transformed the character of a particular city. In tracing the role that government had played in the Massachusetts economy from the Revolution to the Civil War, *Commonwealth* offered a devastating critique of the conventional view that class conflict and laissez-faire had been formative elements in the development of a modern economy. The Handlins showed instead how a traditional conception of the state as the embodiment and agent of a unified, organic society had gradually given way to the belief that government should act as an impartial regulator of diverse private interests and as a promoter of humanitarian reform.

These first two books were classic monographs, written for a scholarly audience. In *The Uprooted*, Handlin cut loose from the limiting conventions of academic writing in order to raise the most basic questions about the immigrants' journey between cultures. What had it been like, he asked, to see the village of one's birth disappear around a turning in the road, to make one's way to Hamburg and thence to New York, to look for daily work in the streets of American cities, to watch children pursue paths parents could not follow? In seeking what was typical and common in their experiences, Handlin predictably risked glossing over distinctions among and within different groups of immigrants. But at the same time he revealed his keen awareness of a different sort of complexity: the uncertainty, poignancy, and fundamental ambivalence that governed the immigrants' inner lives.

photo of Oscar Handlin by Bachrach

In the years that followed, Handlin continued to explore the problems of adjustment, assimilation, and discrimination that confronted most immigrants and many of their descendants. As a regular contributor to the *Atlantic* and *Commentary*, and as the author of several texts, he enjoyed a wider audience than almost any other historian could command. By 1965 he had supervised 50 doctoral dissertations, most of which were soon published. And as director of two major research centers at Harvard, he facilitated the preparation of numerous other works in American social and political history, many expounding ideas or pursuing questions he had developed earlier.

Yet for all this, by the late 1960s Handlin seemingly had become something of an estranged figure at Harvard, and a forgotten elder statesman of the profession. As a supporter of the war in Vietnam, the reelection of Richard Nixon, and traditional academic values, and as a critic of the go-go mentality of educational expansion, he could hardly applaud the prevailing atmosphere of American universities. His "Discipline in Crisis" address to the American Historical Association in 1970 had a Cassandra-like quality, and many in the audience seemed palpably antagonistic toward the speaker. Handlin's once prolific output declined, and his next two books were neither widely noticed nor well received. When the Organization of American Historians embarked on a short-lived experiment to choose its president by competitive election, Handlin lost the first contest—which he saw as a test of principle—to Eugene Genovese. I suspect he was surprised only by the narrow margin of his defeat.

Truth in History is the testimony of an avowed dissenter, but it is professional disillusion rather than personal pique that fuels its criticism of contemporary scholarship. The need to affirm that truth can indeed be found in history stems, in Handlin's view, from the failure of historians to respect "the integrity of the record" from which all knowledge of the past derives. In recent years "the distinction between fact and interpretation" has been eroded, a casualty of the hue and cry for relevance, a willingness to inject political preferences into scholarly work, and a collapse of critical standards: "all became faction"—the term Alex Haley adopted to excuse the gross errors of fact that marred *Roots*. "More and more often," Handlin observes, "the factual elements in an account were instrumental to the purpose the author-manipulator wished them to serve." When it seemed easier and more important to focus on higher matters of interpretation, only rude or unduly conscientious reviewers bothered to examine an author's use of evidence.

Faulty judgments about how to approach evidence compounded the problems arising from abdication of responsibility. The continual appearance of the many "new" histories

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masked both the breakdown of lines of communication among scholars and the shrinking limits of individual competence. Where relevance cramped the historical imagination by emphasizing what was recent and parochial, specialization promoted uncritical dependence on specific techniques drawn from social science. Those who entered the lists as champions of some promising methodology—notably the quantifiers—forgot that "historians of whatever camp deal with essentially the same problems, so whoever confines himself to one type of evidence needlessly narrows his vision." Others ignored the extent to which the social scientist's model is itself merely an hypothesis subject to refinement and rejection as new cases (particularly those with an historical dimension) come under examination.

As with relevance and models, so with language. Insensitivity to the changing meanings and nuances of words provides another example of the anachronistic tendency to impose current usage on recalcitrant evidence. Terms such as family and community, slavery and liberty, monoply and laissez-faire acquire definition only in context; their meaning can change radically within a generation. Only after the meaning of a term is established can the historian ask whether it also described some objective feature of the past.

Handlin's approach to history begins with this insistence on fact before interpretation, evidence before theory, and context before category. Such cautions may seem to be little more than common sense, but he offers telling examples of major works that have inverted these priorities. Stanley Elkins went wildly astray in *Slavery* not only because his analogy between the Nazi concentration camp and the southern plantation was inherently dubious but, even more important, because "no evidence whatever linked these speculations to the black experience." (Indeed the history of this celebrated book, which generated enormous controversy even though it embodied no significant research, epitomizes Handlin's major complaints.) Fogel's and Engerman's equally controversial *Time on the Cross* rashly assumed that plantation owners and 20th-century economists shared the same definitions of profit and efficiency. Historians of populism viewed their subjects principally as the vanguard of reform, and thus failed to do justice to the mixture of aspirations and resentments, programs and prejudices that shaped agrarian discontent.

"In the maelstrom of data, theories, and ideas," Handlin argues, "the historian can cling to one secure point of orientation: the evidence." But that is only the beginning of inquiry. For Handlin, evidence is something one "encounters"—that is, meets in a relation that is both unexpected and potentially adversarial. To master it, the historian is obliged to tap whatever resources will aid him in its explanation. This he does not by plugging in some handy theory borrowed from colleagues in other departments, but by acquainting himself with "a whole world of knowledge." The test of the value that other ways of knowing have for the historian is quite simply pragmatic. "One guide only will serve the historian," Handlin concludes: "the extent to which the wisdom, whatever its source, illuminates the evidence."

What this means in practice is again best illustrated in Handlin's early books. In *Boston's Immigrants*, he drew on the work of urban sociologists; in *Commonwealth*, on readings in law and economics; in *The Uprooted*, on novelists and folklorists, but also on sensibilities heightened by a candid consideration of his own experience. The process of assimilating insights and evidence was never mechanical, never well defined. What he gained from other disciplines, he later wrote, was neither a coherent body of theoretical knowledge nor specific hypotheses, but a generalized awareness of problems, concepts, and "the depth of meaning of certain terms that otherwise slipped all too casually into current usage." What he gained from everything else—from walking the streets of Dublin or hiking through his beloved Alps—was an imaginative sense that enabled him not only to understand past lives but to carry that empathy over into the act of writing, which is itself, he reminds us, "the literary record of an encounter with evidence."

The most important thing Handlin conveyed to his students, I think, was simply this sense of possibility, this awareness of the range of questions and approaches that could enable the historian to know the past. His own work was only an example of how history could be done. Sometimes it suggested themes they could pursue in greater detail, but it never served as a model they could readily imitate. Occasionally his hints and questions pointed to connections worth exploring, but for his students the real test was how well they handled their own encounters with evidence. Since *Truth in History* is likely to reinforce the controversial reputation Handlin already enjoys, it will be good to remember just how significant the work of those students has been. That may be the truest measure of his influence.

The other question posed earlier in this review—why is Handlin so disillusioned?—remains unanswerable. The best chapters in *Truth in History* provide as carefully conceived an exposition of the craft as any American historian has ever produced. The others draw us back to wonder about Handlin himself, but give the reader only a troubling yet inconclusive glimpse of his discontent: troubling because Handlin cannot extend to the objects of his present criticism the same empathy he bestows on the past, inconclusive because even sympathetic readers will wonder whether his oracular judgments represent something more than the evidence itself supports. Whether *Truth in History* tells the truth about history remains to be seen.

Jack N. Rakove

Jack N. Rakove is the author of *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (Knopf) and teaches history at Colgate University.

Brief Review

Elizabeth Cady Stanton: Radical for Woman's Rights by Lois W. Banner

(Little, Brown; $9.95)

Elizabeth Cady Stanton was a charming, eloquent, and dynamic woman who became, according to Lois Banner, "the foremost American woman intellectual of her generation." A brilliant speaker and powerful polemicist, she was one of the organizers of the 1848 Seneca Falls women's rights convention, an editor of the radical feminist journal *The Revolution*, and for many years the most prominent American feminist. For over half a century she was the friend and associate of Susan B. Anthony. "I forged the thunderbolts and she fired them," Cady Stanton said of their relationship. Not a tactician, Cady Stanton remained

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radical until her death. In her remarkable autobiography, written when she was over 80, she wrote: "I am in the sunset of life, and I feel it to be my special mission to tell people what they are not prepared to hear, instead of echoing worn-out phrases." Later she added, "The happiest people I have known have been those who gave themselves no concern about their own souls, but did their uttermost to mitigate the miseries of others."

Of course Cady Stanton gave concern to her own soul—she suffered through an early religious depression—but she learned, as Banner persuasively argues, to counter depression and discouragement with positive action. Her first memory, she recounts in her autobiography, *Eighty Years and More*, was of people commiserating with her parents on the birth of Elizabeth's younger sister: "What a pity it is she's a girl." When Elizabeth's only brother passed away, the young girl decided to try to replace him in her father's eyes. She learned to ride and studied Latin, only to be told, "Ah, you should have been a boy!"

Introduced to abolitionist circles in the home of cousin Gerrit Smith, Elizabeth Cady met Henry Stanton, a prominent abolitionist lecturer. She married him against her parents' wishes, insisted that the word "obey" be left out of her marriage vows, and went off with her husband to England to take part in the World Anti-Slavery Convention of 1840, only to be shocked when the convention voted to deny women the opportunity to speak. Cady Stanton returned to the United States, eventually to pen a new bill of rights for the Seneca Falls convention, declaring in the language of Thomas Jefferson the equality of men and women. The press attacked the conventioneers bitterly, much to Cady Stanton's surprise: "I was always courageous in saying what I saw to be true, for the simple reason that I never dreamed of opposition. What seemed to me to be right I thought must be equally plain to all other rational beings."

Though prominent in the abolitionist, temperance, and suffrage causes, Cady Stanton's fundamental interest was the condition of women. Temperance was important because liquor fed men's aggressiveness. Women's suffrage was not enough, she came to feel, because "This whole question of women's rights turns on the pivot of the marriage relation." She argued for liberalized divorce laws, for birth control, and for the power of women in general over their own bodies. She denounced irrational and constrictive child-rearing practices, insisting on throwing away the swaddling clothes of her children and dosing them regularly with cold water and fresh air rather than traditional herbs and stuffiness. She spoke before congressional committees and state legislatures, and in her 60s toured the country repeatedly, lecturing on such topics as "Marriage and Maternity." Although she garnered only 24 votes, she was the first woman in American history to run for Congress. In her old age, she took on traditional religion, editing *The Woman's Bible*, and exposing the anti-feminism of the church.

Lois Banner's book is an efficient but oddly impersonal account of this most personable woman's life. Banner argues that Cady Stanton was not essentially a political creature. To her impatience with detailed work was added her dislike of compromise and, paradoxically, of personal confrontation. She became a philosopher, Banner argues, partially to avoid such confrontation: everyone should know where she stood. Banner clarifies the outlines of Cady Stanton's life and speculates convincingly on her nature, but she does little to make the woman live.

Michael Ullman

Michael Ullman is author of *Jazz Lives*, to be published by New Republic Books.

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Correspondence, *from page 3*

of physical perfection tell us *nothing* about film. I am insulted and outraged, and am surely not alone.

Elissa Gelfand
Mount Holyoke College
South Hadley, Massachusetts

Stanley Kauffmann replies:
Gelfand is an injustice collector. The remark about Mason is a comment on the cinematographer's ability. The one about Reinking went on to say that her "speaking voice lends allure to a peanut whistle." The statements about these women seem to me professional, i.e., I was concerned with their profession of putting themselves on the screen to affect us. I could cite plenty of comparable comments that I've made about men—my remarks on Caan, for instance, in reviews of *The Gambler* and *The Killer Elite*—but to dig up refutations of Gelfand's charge is to prove that I've stopped beating my mother-in-law.

I can't deny, however, that I respond somewhat differently to women than to men. Such is my fate. But should a critic be immune to sexual effect in a field where that effect is a chief instrument? To deny sexual differences and effects is to turn the ideas of equality in our society—so belated and so welcome—into cant.

Social legislation and the quality of life

To the editors:
I must strongly disagree with Mr. Allen Itz's contention that because the unemployment rate is lower in Texas than in Massachusetts, the quality of life is higher (Correspondence, *TNR*, February 2, 1980).

Massachusetts probably would rate near the top of any index relating to quality of life simply because the social legislation has an amazing ripple effect on the whole population of the state. After many years of fighting for and defending this kind of legislation—even in Massachusetts—I have come to the conclusion that people who are threatened by it usually harbor low expectations of any environment they dwell in and therefore are immune to other people's discomforts and suffering—hence it is they who are poor.

Audrey J. Marino
Ridgefield, Connecticut

Author's query

I would greatly appreciate hearing from people with personal knowledge of Catholic anticommunism in the US during the cold war (1947-1962). Recollections of sermons and lectures in churches and Catholic schools would be especially helpful.

Kenneth J. Uva
24 Fifth Avenue, Apt. 1023
New York, New York 10011

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Washington Diarist

Threading the Needle

Like all Washington journalists, I am ever conscious of my solemn duty to serve the public as a disinterested but vigilant guardian of truth and decency. And like all Washington journalists, I am frequently confronted with the sorts of ethical dilemmas that only we paragons of virtue can be expected to resolve. My latest problem arises because of dark whispers from certain corners of *TNR*'s offices that my opinions on energy policy may be subtly shaped by the occasional lunch I receive courtesy of oil company representatives. I suppose I could take the same tack as Representative Richard Kelly and defend my cooperation as purely an effort to root out corruption among Washington lobbyists. But so far my efforts have been futile. I have waited in vain for so much as a five dollar bill to grease my palm, which suggests either that I am known even among oil company lobbyists as incorruptible, or else that they suspect I can be bought for the mere price of a lunch. In any event, it will come as some comfort to those doubting the purity of my views that I recently was taken to lunch by some public interest lobbyists who spent the entire time castigating the major oil companies. I now find myself in the position of the judge who began one trial by announcing: "I have received a bribe of $10,000 from the defense and a bribe of $5000 from the prosecution. I will return $5000 to the defense and try the case on its merits."

Last month a House-Senate conference committee working out the details of the windfall profits tax decided to give special treatment to independent oilmen—those who drill for oil, but don't refine or market it. This may have been because of the popular romantic image of the independent oilman as a poor wretch struggling to keep from being squeezed out by rapacious multinational oil firms. Or it may have been because so many congressional districts are inhabited by wealthy and socially prominent people who made their money drilling for oil. In any case, thinking about independent oilmen always makes me think of Midland, Texas, where I spent the better (or rather the worse) part of my formative years. A few weeks ago the *Wall Street Journal* carried a long feature article on Midland, probably the only place in America where 1000 citizens would turn out for a pro-oil company rally, including the mayor, himself a petroleum engineer. The *Journal* article featured lots of colorful quotes from Midland businessmen, who are prone to saying things like, "There ain't a damn thing wrong with the oil business. The oil business has only three problems: bureaucrats, organized labor, and Ralph Nader." There are some 700 oil-related companies in Midland, according to the *Journal*, which probably makes it the independent oilman's capital. Anyone who would like to be separated from his or her illusions about independent oilmen should visit this city, whose numerous sprawling estates, ritzy country club (the center of Midland's high society), and vast Cadillac population testify to the plausibility of a particularly cherished local legend, namely that Midland has more millionaires per capita than any place in the country. (That may or may not be true, but it does have the fourth highest per capita income among US cities, putting it right up there with such wealthy enclaves as Chevy Chase, Maryland, and Darien, Connecticut.) Now there are good and decent people in Midland, but to find them you should avoid the Petroleum Club. As a rule, the people who make up Midland's upper crust have only one measure of success: money. John Bainbridge's book on Texas, *The Super-Americans*, fully captured the character of this dismal outpost of ostentatious wealth in a single anecdote. At one party, a drunken Midland oilman took an instant dislike to one out-of-state visitor, and spent the entire evening taunting and badgering her. After several hours of this the Midlander finally drew himself up and delivered his most withering blast: "How much have you got in the bank? I'll bet you haven't got enough to bait a mousetrap!"

One of Midland's contributions to the nation is one George Herbert Walker Bush, surely the least interesting of a poor crop of presidential candidates. In some ways he reminds me of Gerald Ford, or rather of what Ford might have been like if he had been blessed with a full head of hair and a patrician upbringing. Comedian Mark Russell used to say that Ford reminded him of the guy who answers the meat buzzer at the A&P; Bush, with his whiny voice and schoolmarmish mannerisms, could pass for the leader of the local Boy Scout troop. When Ford was in office, pundits used to say that he owed his success to his facility for offending the fewest number of people, not for inspiring the greatest number. Surely nothing else can explain Bush's rise to prominence. His campaign platform is constructed of the usual rotting Republican planks—cut spending, balance the budget, beef up the Pentagon, get tough with the Russians (the sort of thing that plays well at the Midland Country Club)—and his speeches are sprinkled with tiresome references to the numerous government posts he has occupied without distinction. The Republicans have one truly laughable buffoon, Ronald Reagan, one morbidly fascinating Nixon clone, Bob Dole, one luxuriously sleazy authoritarian, John Connally, and one eccentric crank, John Anderson. Any of them probably would be a disaster as president. But better a fun disaster, like Nixon, than a tedious one, like Warren G. Harding or George Bush.

An editor is a malicious parasite whose job is to take graceful prose and turn it into unreadable blather. Did Dr. Johnson say that? No, but he would have if he had thought of it, and no doubt he would have said it better than I did. The latest intramural Diarist controversy arises over Michael Kinsley's recent tirade against writers who like to, in his words, "litter their prose with little gems from their betters." Editors, of course, do not suffer from this defect, since no editor I have ever met would admit to having any betters. Writers, who are taught humility by years of browbeating at the hands of those who presume to mangle their compositions, are a more modest breed, and feel no embarrassment at deferring to literary giants on important matters. No writer would dare think himself so wise and literate that he could say anything better than Johnson or Shakespeare or Calvin Coolidge. But I doubt there is an editor alive who would hesitate to tell Dostoevsky to cut *Crime and Punishment* in half, get rid of all those superfluous characters, and try to get the central point into the lead paragraph. This is one of those unusual cases where Dr. Johnson has nothing to say, so you'll have to take my word for it.

S.C.

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